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# CITY OF SAN DIEGO COUNCIL DOCKET



## COUNCIL PRESIDENT

**Todd Gloria • Third District**

## COUNCIL PRESIDENT PRO TEM

**Sherri Lightner • First District**

## COUNCILMEMBERS

**Kevin Faulconer • Second District**

**Myrtle Cole • Fourth District**

**Mark Kersey • Fifth District**

**Lorie Zapf • Sixth District**

**Scott Sherman • Seventh District**

**David Alvarez • Eighth District**

**Marti Emerald • Ninth District**

**Andrea Tevlin  
Independent  
Budget Analyst**

**Jan Goldsmith  
City Attorney**

**Liz Maland  
City Clerk**

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

**Monday, October 28, 2013  
2:00 PM and 6:00 PM**

**AGENDA FOR THE  
REGULAR COUNCIL MEETING OF  
MONDAY, OCTOBER 28, 2013, AT 2:00 PM AND 6:00 PM  
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@sandiego.gov>. Requests for disability-related modifications or accommodations required to facilitate meeting participation, including requests for auxiliary aids, services or interpreters, require different lead times, ranging from five business days to two weeks. Please keep this in mind and provide as much advance notice as possible in order to ensure availability. Assistive Listening Devices (ALDs) are available in Council Chambers upon request.

**OTHER LEGISLATIVE MEETINGS**

A Special Meeting of 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**

**INVOCATION**

**PLEDGE OF ALLEGIANCE**

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

This portion of the agenda provides an opportunity for members of the public to address the Council on items of interest within the jurisdiction of the Council. (Comments relating to items on today's docket are to be taken at the time the item is heard.)

Per Section 22.0101, Rule 2.6, of the San Diego Municipal Code, comments are limited to three minutes per speaker, and three minutes per subject regardless of the number of people requesting to speak on that subject.

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

**UPDATES ON PENDING LEGISLATION (MAYOR'S OFFICE)**

**REQUESTS FOR CONTINUANCE**

The Council will consider requests for continuance based on when the item was noticed to be heard.

ADOPTION AGENDA, DISCUSSION, COMMITTEE ITEMS  
COMMITTEE ON INFRASTRUCTURE, RESOLUTIONS:

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

ITEM-150: Amended Council Policy 800-14 - Prioritizing Capital Improvement Program (CIP) Projects. (Citywide.)

**ITEM DESCRIPTION:**

The purpose of this item is to amend the existing Council Policy 800-14, "Prioritizing Capital Improvement Program (CIP) Projects." The amended document has been prepared by Public Works Engineering to provide CIP prioritization guidelines and procedures. This is intended to assist the Asset Owner Departments and Public Works Engineering in prioritizing a need to repair, replace, improve, or construct a new facility among other needs competing with the same funding sources and within the same functional category.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2014-196)

Amending Council Policy No. 800-14 titled "Prioritizing Capital Improvement Program Projects" as set forth in the Council Policy;

Instructing the City Clerk to add the aforesaid to the Council Policy Manual.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

None directly related to this item.

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

- The subject proposed policy amendment was presented to the Infrastructure Committee (IC) on September 26, 2013. IC provided direction to Public Works Engineering (PWE) to address public comments on the proposed policy.

**ACTION:** Motion by Councilmember Emerald, second by Vice-Chair Cole, to forward staff recommendation to City Council with the following requests:

- a) staff consider incorporating into the policy input offered at Committee during public comment and schedule a follow-up input meeting with stakeholders present at Committee prior to the item being heard at full Council;
- b) staff return to Committee with a report after the first series of projects are scored following the amended policy; and
- c) staff include in the policy a requirement for a periodic review and update, if necessary, of the policy.

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

- A follow-up meeting with the stakeholders was held on October 7, 2013, to discuss these comments and recommended changes. The proposed amendments to the policy have been updated to address these comments. The changes include: incorporating language of social equity in the "Importance of Infrastructure" section; defining under-served communities in relation to groups with low-income households, low community engagement and low mobility, and access to City services that promotes growth and employment opportunities in Factor 3 for "Community Investment and Economic Prosperity;" adding language that promotes greener neighborhoods in Factor 5 for "Sustainability and Conservation;" adding language on partnering with other local, state or federal agencies in Factor 8 for "Multiple Category Benefit and Bundling Opportunities;" clarifying needs versus CIP projects in the "CIP Needs List," "Project Phases" and "Implementation Process" sections; and adding language for periodic review and update of the policy in the "Implementation Process" section. Once adopted, PWE will also return to the IC within one year to provide a report on the implementation of this policy.

Nagelvoort/Chadwick

Primary Contact\Phone: Mark Nassar\619-533-6600, MS 908A

Secondary Contact\Phone: Catherine Dungca\619-533-3778, MS 612

City Attorney Contact: Kohut, Ryan P.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS  
RESOLUTIONS:

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

ITEM-200: Consideration of Nominees for Appointment to the Small Business Advisory Board.

**ITEM DESCRIPTION:**

The Council is asked to fill eleven (11) seats on the Small Business Advisory Board. The Board is a Charter Section 43 Board. The Council is asked to fill vacancies under Charter Section 43(c), as the Mayor did not take action to fill the seats within 45 days of the vacancies.

The Council is asked to make two new appointments and nine reappointments.

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2014-222)

Council confirmation of the following appointments and reappointments by the Council of the City of San Diego, in compliance with Charter Section 43(c), to serve as members of the Small Business Advisory Board, for the terms expiring as indicated:

<u>NAME</u>	<u>CATEGORY</u>	<u>TERM ENDING</u>
Guy Hanford (Poway) (Filling the vacancy in the seat previously held by Matthew Spencer)	Small Business Owner	July 1, 2014
Dr. Ruben Garcia (Chula Vista) (Reappointment)	Small Business Administration Director	July 1, 2014
William Lynch (Mission Hills, District 3) (Reappointment)	Economics	July 1, 2014
Michelle Gray (San Carlos, District 7) (Reappointment)	Small Business Owner	July 1, 2014

Gary Peterson (Point Loma, District 2) (Reappointment)	Advocate of Small Business Interests	July 1, 2014
Joseph Fox (La Mesa) (Reappointment)	At-Large Member	July 1, 2015
Edward Barbat (Mission Hills, District 3) (Reappointment)	Legal	July 1, 2015
Robert Glick (Valencia Park, District 4) (Reappointment)	Small Business Owner	July 1, 2015
Antonio Barbosa (Chula Vista) (Reappointment)	Financial Lending	July 1, 2015
Catherine Arambula (Rolando Park, District 4) (Reappointment)	Economics	July 1, 2015
Jacquelyn O'Connor (Del Cerro, District 7) (Filling the seat previously held by Patrick Edward)	Representative of Business Improvement District	July 1, 2015

Declaring that pursuant to Council Policy 000-13, for purposes of deliberation and consideration of appointment, it is determined that Guy Hanford, Dr. Ruben Garcia, Joseph Fox, and Antonio Barbosa are residents of San Diego County, but not the City of San Diego, and have unique qualifications to serve as members of the Board; therefore, conscious exceptions to Council Policy 000-13 are hereby declared.

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

ITEM-201: Consideration of Nominees for Appointments to the Consolidated Plan Advisory Board.

**ITEM DESCRIPTION:**

Appoint nominees to fill the vacancies on the Consolidated Plan Advisory Board.

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2014-218)

Council confirmation of the following appointments and reappointment by the Council of the City of San Diego, in compliance with San Diego Charter Section 43(c), to serve as members of the Consolidated Plan Advisory Board, for terms expiring as indicated:

<b><u>NAME</u></b>	<b><u>COUNCIL DISTRICT</u></b>	<b><u>TERM ENDING</u></b>
Joyce Abrams (La Jolla, District 1) (Filling the seat previously held by William Moore)	District 1	July 1, 2015
Maruta Gardner (Mission Beach, District 2) (Filling the seat previously held by Jennifer Litwak)	District 2	July 1, 2014
Vicki Granowitz (North Park, District 3) (Reappointment)	District 3	July 1, 2014
Kenneth Malbrough (Valencia Park, District 4) (Filling the seat previously held by Audie de Castro)	District 4	July 1, 2015

Earl Wong  
(Scripps Ranch, District 5)  
(Filling the seat previously  
held by Robert McNamara,  
who is termed out)

District 6

July 1, 2015

Richard Thesing  
(Tierrasanta, District 7)  
(Filling the seat previously  
held by Mathew Kosinsky)

District 7

July 1, 2014

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

ITEM-202: Consideration of Nominees for Appointment to the Commission for Arts and Culture.

**ITEM DESCRIPTION:**

The Council is asked to make appointments from the list of nominees to fill seats on the Commission for Arts and Culture.

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2014-217)

Council confirmation of the following appointments by the Council of the City of San Diego, in compliance with San Diego Charter section 43(c), to serve as members of the Commission for Arts and Culture, for terms expiring as indicated:

<b><u>NAME</u></b>	<b><u>TERM ENDING</u></b>
Doreen Schonbrun (La Jolla, District 1) (Filling the seat previously held by Colette Carson Royston, who is termed out)	August 31, 2015
Vernon Franck (North Park, District 3) (Filling the vacancy in the seat previously held by Lorin Stewart, who resigned)	August 31, 2015
Norma Rodriguez (South Park, District 3) (Filling the seat previously held by Garet Clark, who is termed out)	August 31, 2014
Carlos Cristiani (Tierrasanta, District 7) (Filling the seat previously held by Judy McDonald, who is termed out)	August 31, 2014

Lynelle Lynch  
(Rancho Santa Fe)  
(Filling the seat previously held by  
Victoria Reed, who is termed out)

August 31, 2014

Declaring that pursuant to Council Policy 000-13, for purposes of deliberation and consideration of appointments, it is determined that Lynelle Lynch is a resident of San Diego County, but not the City of San Diego, and has unique qualifications to serve as a member of the Board; therefore, a conscious exception to Council Policy 000-13 is hereby declared.

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

ITEM-203: Consideration of Nominees for Appointment to the Youth Commission.

**ITEM DESCRIPTION:**

The Council is asked to make appointments from the list of nominees to fill seats on the Youth Commission.

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2014-223)

Council confirmation of the following appointments and reappointment by the Council of the City of San Diego, in compliance with Charter Section 43(c), to serve as members of the City of San Diego Youth Commission for terms expiring as indicated:

<b><u>NAME</u></b>	<b><u>NOMINATED BY</u></b>	<b><u>TERM ENDING</u></b>
Madeleine Garay (La Jolla, District 1) (Filling the vacancy in the District 1 seat previously held by Eric Nicolas)	District 1	July 1, 2014
Melinda Wang (Torrey View Estates, District 1) (Filling the vacancy in the District 1 seat previously held by Anna Page)	District 1	July 1, 2014
Christian Ocon (San Carlos, District 7) (Filling the vacancy in the District 7 seat previously held by Hawo Abdi)	District 7	July 1, 2014
Sherry Ramirez (Golden Hill, District 8) (Reappointment)	District 8	July 1, 2014

Armand Binombe  
(City Heights, District 9)  
(Filling a new District 9 seat)

District 9

July 1, 2014

Hawo Abdi  
(City Heights, District 9)  
(Filling a new District 9 seat)

District 9

July 1, 2014

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

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

ITEM-204: City Auditor's Performance Audit of the Industrial Wastewater Control Program.

**CITY AUDITOR'S RECOMMENDATION:**

Receive the City Auditor's Performance Audit of the Public Utilities Department's Industrial Wastewater Control Program.

**SUPPORTING INFORMATION:**

FISCAL CONSIDERATIONS: N/A

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

The item was presented to the Audit Committee meeting on September 9, 2013, and the Committee took the following action.

**ACTION:** Motion by Councilmember Sherman, second by Chair Faulconer, to accept the report and forward to the full council.

**VOTE:** 4-0; Faulconer-yea, Sherman-yea, Schreiner-yea, Valdivia-yea, Hebrank-not present.

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

Luna

Primary Contact\Phone: Matthew Helm\619-533-3039

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-205: Improvement of City of San Diego Governmental Operations.

**ITEM DESCRIPTION:**

A governmental operations improvement effort is being proposed to address the City's needs and priorities. It is intended to impose a culture of discipline, transparency, accountability, and continuous improvement on the organization. This effort includes a revised City management organizational structure; the development of a training and professional development curriculum offered through customized Management and Leadership Academies; and retention of a consultant to assist with identifying opportunities for efficiencies Citywide.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2014-246)

Approving the Chief Operating Officer's proposed improvements to the City's governmental operations, described in the Reorganization Report as Phase I;

Authorizing the Chief Financial Officer to amend the Fiscal Year 2014 Budget to increase Major Revenues (9911), revenue appropriations by up to \$992,135;

Authorizing the Chief Financial Officer to increase the budget of the Office of the Chief Operating Officer, Fund No. 100000, Department No. 1001, by 6.00 positions totaling \$901,473;

Authorizing the Chief Financial Officer to increase the budget of the Office of the Assistant Chief Operating Officer, Fund No. 100000, Department No. 1300, by \$255,000;

Authorizing the Chief Financial Officer to increase the budget of the Economic Development Department, Fund No. 100000, Department No. 1316, by 2.00 positions totaling \$301,532;

Authorizing the Chief Financial Officer to decrease the budget of the Administration Department, Fund No. 100000, Department No. 1311, by one Department Director Position totaling \$233,842;

Authorizing the Chief Financial Officer to decrease the budget of the Department of Civic and Urban Initiatives, Fund No. 100000, Department No. 1416, by 1.00 Program Manager Position and 1.00 Mayor Representative 2 totaling \$232,027;

Directing the Chief Operating Officer to work with the City Attorney to prepare an ordinance in accordance with Charter Section 26 detailing the powers and duties of the Department of Planning, Neighborhoods, and Economic Development.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

The total annual cost for Phase One is estimated to be \$1.1 million, while the total annual cost for Phase Two will be determined over the coming months. If approved, the positions and expenditures will be included in the Fiscal Year 2015 Proposed Budget.

The estimated expenditures of implementing Phase One of the proposed improvements of the City's governmental operations in Fiscal Year 2014 is \$992,135. These expenditures will be offset by projected additional revenue not anticipated in the Fiscal Year 2014 General Fund Budget including proceeds from the San Diego Data Processing Corporation dissolution and the Due Diligence Review (DDR) of the non-housing assets of the former Redevelopment Agency.

**PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:** None.

Chadwick

Primary Contact\Phone: Karen Dennison\619-236-7176  
Secondary Contact\Phone: Scott Chadwick\619-236-5587  
City Attorney Contact: Will, Brant C.

**CLOSED SESSION NOTICES, DISCLOSURE, AND PUBLIC COMMENT**

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

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

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

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

**NON-DOCKET ITEMS****ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES****ADJOURNMENT**