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CITY OF SAN DIEGO COUNCIL DOCKET



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Todd Gloria • Third District

COUNCIL PRESIDENT PRO TEM

Sherri Lightner • First District

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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, 12th Floor, City Administration Building

Tuesday, November 5, 2013

**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
TUESDAY, NOVEMBER 5, 2013, AT 10:00 AM
CITY ADMINISTRATION BUILDING
COUNCIL CHAMBERS – 12TH FLOOR
202 “C” STREET
SAN DIEGO, CA 92101**

This information will be made available in alternative formats upon request, as required by the Americans with Disabilities Act (ADA), by contacting the City Clerk at (619) 533-4000 or <mailto:cityclerk@sandiego.gov>. Requests for disability-related modifications or accommodations required to facilitate meeting participation, including requests for auxiliary aids, services or interpreters, require different lead times, 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.

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.

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:

09/23/2013

09/24/2013

PROCLAMATIONS/CEREMONIAL ITEMS

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

ITEM-30: Anna M. Curren Day.

PRESENTED BY COUNCIL PRESIDENT GLORIA:

Proclaiming November 5, 2013, to be "Anna M. Curren Day" in the City of San Diego.

ITEM-31: Duane Roth Day.

PRESENTED BY COUNCIL PRESIDENT GLORIA AND COUNCILMEMBER FAULCONER:

Proclaiming November 19, 2013, to be "Duane Roth Day" in the City of San Diego.

ITEM-32: Epilepsy Awareness Month.

PRESENTED BY COUNCILMEMBER SHERMAN:

Proclaiming November 2013, to be "Epilepsy Awareness Month" in the City of San Diego.

ITEM-33: Officer James Tulumello Day.

PRESENTED BY COUNCILMEMBER EMERALD:

Proclaiming November 5, 2013, to be "Officer James Tulumello Day" in the City of San Diego and recognizing and thanking Officer James Tulumello for his unwavering dedication to protecting and serving the citizens of America's Finest City.

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

ITEM-34: The 15th Anniversary of the La Jolla Open Aire Market.

COUNCIL PRESIDENT PRO TEM LIGHTNER'S RECOMMENDATION:

Proclaiming October 27, 2013, to be, "La Jolla Open Aire Market Day" in the City of San Diego.

ITEM-35: The 30th Anniversary of CliniComp, Intl.

COUNCIL PRESIDENT PRO TEM LIGHTNER'S RECOMMENDATION:

Proclaiming November 16, 2013, to be, "CliniComp, Intl. Day" in the City of San Diego.

ITEM-36: The Whispers Day.

COUNCILMEMBER COLE'S RECOMMENDATION:

Proclaiming November 10, 2013, to be "The Whispers Day" in the City of San Diego.

ITEM-37: Autism Tree Project Foundation Day.

COUNCILMEMBER ALVAREZ'S RECOMMENDATION:

Proclaiming November 2, 2013, to be "Autism Tree Project Foundation Day" in the City of San Diego.

ITEM-38: Christ the King Catholic Church Day.

COUNCILMEMBER ALVAREZ'S RECOMMENDATION:

Proclaiming November 16, 2013, to be "Christ the King Catholic Church Day" in the City of San Diego.

SPECIAL ORDERS OF BUSINESS

None.

ADOPTION AGENDA, CONSENT ITEMS

The Consent items listed beginning on the next page are considered to be routine, and the appropriate Environmental Impact Reports have been considered. These items are indicated on the docket by a preceding asterisk (*). Because these items may be handled quickly, if you wish to be heard submit your Request to Speak form prior to the start of the meeting.

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, 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 in the morning or afternoon, based on when the item was noticed to be heard.

COMMUNICATIONS

NOTE: Per Permanent Rule of Council 2.7.1. these items are not subject to debate and must either be docketed, or referred to an appropriate committee or other public agency, or filed.

ITEM-40: Communication Request from Hud Collins dated October 11, 2013, concerning pension payoff within 15 years.

ITEM-41: Communication Request from Hud Collins dated October 23, 2013, concerning a Charter Convention including a Charter Commission.

ITEM-42: Communication request from Hud Collins dated October 25, 2013, regarding an immigration policy both nationally and in San Diego.

ITEM-43: Communication request from Bob Kuczewski submitted on October 29, 2013, regarding the Torrey Pines City Park Advisory Board.

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

* ITEM-50: **NOTE:** This item has been removed from today's docket. (Rev. 10/30/13)

* ITEM-51: **NOTE: This item has been removed from today's docket. (Rev. 10/30/13)**

* ITEM-52: Mission Gorge Rezone, Project No. 278133. (Navajo Community Plan Area. District 7.)

ITEM DESCRIPTION:

This action is for a proposed Mission Gorge Rezone project located at 6736 Mission Gorge Road which would rezone a 0.43-acre vacant site from RS-1-1 to RM-3-7. No development is proposed at this time. The development potential could include a maximum of 18 residential dwelling units.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 10/22/2013, Item 331, Subitem A. (Council voted 8-0. Councilmember Faulconer not present):

(O-2014-39)

Approving the rezone of 0.43 acres located at 6736 Mission Gorge Road, within the Navajo Community Plan Area, in the city of San Diego, California, from the existing RS-1-1 Zone into the RM-3-7 Zone as defined by San Diego Municipal Code Section 131.0406 (Rezone No. 977263); and repealing Ordinance No. O-16069 (New Series), adopted on October 31, 1983, of the ordinances of the city of San Diego insofar as the same conflicts herewith.

ADOPTION AGENDA, CONSENT ITEMS
ORDINANCES TO BE INTRODUCED:

* ITEM-53: Request to Exempt One Position From the Classified Service for the Police Department.

ITEM DESCRIPTION:

This action is to authorize an ordinance exempting one Program Manager position in the Police Department from the classified service as approved by the Civil Service Commission on September 5, 2013, in the Police Department.

The Program Manager position in the Police Department will be responsible for providing support and advice on policies, procedures and practices to the Chief's Executive Committee, department managers and department supervisors. In addition this position will be responsible for evaluating, developing, managing and incorporating operational projects, policies and procedures related to human resources and police records.

STAFF'S RECOMMENDATION:

Introduce the following ordinance:

(O-2014-56)

Introduction of an Ordinance declaring that the Council has received and reviewed a Memorandum from Personnel Director Hadi Dehghani, dated September 11, 2013, which documents that, on September 5, 2013, the City's Civil Service Commission reviewed and favorably commented on a proposal from the Chief of Police to exempt from the City's Classified Service one Program Manager position in the Police Department to provide support and advice on policies, procedures and practices to the Chief's Executive Committee, department managers, and department supervisors; and to evaluate, develop, manage and incorporate operational projects, policies and procedures related to human resources and police records management;

Declaring that pursuant to Charter Section 117(a)(17), with the Civil Service Commission's review and approval, the Council now exempts from the Classified Service and declares to be in the Unclassified Service of the City one Program Manager in the Police Department, performing the duties set forth in the September 11, 2013, Memorandum from Personnel Director Hadi Dehghani to the Honorable Council President and City Council.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

Personnel expenditures associated with the position will be offset by salary savings associated with vacancies in FY14 and will be included in the FY15 appropriations offset by additional expenditure reductions resulting in a net zero fiscal impact to the department.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: N/A

Ramirez/Chadwick

Primary Contact\Phone: David Ramirez\619-531-2735, MS 700

Secondary Contact\Phone: Shelley Zimmerman\619-531-2740, MS 700

City Attorney Contact: Peter, Linda L.

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCES TO BE INTRODUCED WITH RESOLUTIONS TO BE ADOPTED:

- * ITEM-60: Authorize First Amendment to the Agreement with URS Corporation, for As-Needed Storm Water Engineering Consulting Services.

ITEM DESCRIPTION:

This item will authorize the Amendment of an existing Agreement with URS Corporation, for As-Needed Storm Water Engineering Consulting Services by extending the term of the Agreement by approximately one and a half years to the end of Fiscal Year 2015. These changes will allow the Storm Water Division to maximize the use of the services under the Agreement, and continue critical work in progress for ongoing projects and planning efforts until June 30, 2015.

STAFF'S RECOMMENDATION:

Introduce the following ordinance in Subitem A; and adopt the resolution in Subitem B:

Subitem A: (O-2014-28)

Introduction of an Ordinance authorizing and directing the Council President, in his capacity under Charter Section 265(i), or his designee, to execute the First Amendment to the Agreement with URS Corporation, for As-Needed Storm Water Engineering Consulting Services, extending the term to June 30, 2015, under the terms and conditions set forth in the First Amendment to the Agreement;

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.

Subitem B: (R-2014-110)

Determining that the First Amendment to the Agreement is statutorily exempt from California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15262.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

None. The First Amendment to the Agreement with URS Corporation would extend the term of the Original Agreement from January 15, 2014, to June 30, 2015. If approved, this extension would provide additional time to complete task orders initiated in Fiscal Year 2014 supporting efforts underway to address new permit and regulatory requirements, at no additional cost to the City.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

- On December 15, 2008, City Council authorized the Agreement with URS Corporation, through Resolution R-306395.

- This item was heard at the Natural Resources and Culture Committee meeting as Item No. 1 on October 16, 2013, and approved by the Committee to be forwarded to the full Council with a recommendation to approve.

ACTION: Motion by Councilmember Emerald, second by Councilmember Sherman, to approve.

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

Sturdevan/Chadwick

Primary Contact\Phone: David Wells\858-541-4339, MS 1900

Secondary Contact\Phone: Kris McFadden\858-541-4325, MS 1900

City Attorney Contact: Stroud, Heather L.

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-100: Amendment Three to Contract No. 4600000297 for Risk Analysis/Management Services with Digital Sandbox, Inc. (Citywide.)

ITEM DESCRIPTION:

This action is to execute a Third Amendment to the Agreement with Digital Sandbox, Inc., to provide Risk Management Program software services and associated support to a statewide program involving all eight California Urban Areas in the amount of \$1,558,916.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2014-239)

Authorizing and directing the Council President acting pursuant to Charter Section 265(i), or his designee, to execute a Third Amendment to the Agreement with Digital Sandbox, Inc., to provide Risk Management Program software services and associated support to a statewide program in the amount of \$1,558,916;

Authorizing the Chief Financial Officer to expend up to \$1,558,916 from the City's General Fund Account for the purpose of executing this Third Amendment to the Agreement with Digital Sandbox, Inc.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The federal Department of Homeland Security provides Urban Areas Security Initiative (UASI) grants through the California Emergency Management Agency, which grants them to the City of San Diego to administer for the entire San Diego Urban Area (SDUA). This statewide Risk Management Program enhances regional security and public safety at no cost to the City. There is no non-federal match or cost share required for grants under the program covered by this resolution. However, these grants are reimbursable in nature requiring the City to expend funds prior to requesting reimbursement; for this requested action, the total amount expended will not exceed \$1,558,916. Expenditures will be initially sourced from the City's General Fund Account, and then reimbursed from the respective federal fiscal year UASI grant program.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

- The City Council previously passed Resolution R-308082, dated April 22, 2013, authorizing the Mayor, or his designee, to expend an amount not to exceed \$2,943,669 for Amendment 2 to the Contract with Digital Sandbox, Inc., and to extend the original three-year contract for an additional two years.
- Resolution R-307561, approved by City Council on July 20, 2012, granting authorization to apply for, accept, appropriate and expend up to \$10,390,426 in grant funds from the FY 2012 UASI grant program.
- Resolution R-307024, approved by City Council on September 29, 2011, granting authorization to apply for, accept, appropriate and expend up to \$16,208,500 in grant funds from the FY 2011 UASI grant program.
- Resolution R-306973, approved by City Council on August 2, 2011, authorizing the Mayor, or his designee, to expend an amount not to exceed \$2,430,000 for Amendment 1 to the Contract with Digital Sandbox, Inc., for the statewide Risk Management program.
- Presented at the Public Safety and Neighborhood Services Council Committee on October 9, 2013, and forwarded to full City Council with a recommendation to approve.

ACTION: Motion by Councilmember Kersey, second by Councilmember Cole, to approve.

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

Maniar/Chadwick

Primary Contact\Phone: John Valencia\619-533-6763
Secondary Contact\Phone: Javier Mainar\619-533-4301
City Attorney Contact: Brazier, Noah J.

- * ITEM-101: Ground Lease with Option to Purchase approximately 3.3 acres of City-owned land south of Elrose Drive between Lauriston Drive and Paxton Drive in the Otay Mesa-Nestor Community of San Diego. (Otay Mesa-Nestor Community Area. District 8.)

ITEM DESCRIPTION:

Authorize a five (5)-year public-purpose ground lease for total rent of \$1 with an option to purchase at a purchase price of \$16 for approximately 3.3 acres of vacant City-owned land for the purpose of creating affordable housing in the Otay Mesa-Nestor Community. The Land Trust intends to provide a public benefit by developing 16 homes on the property, which will be sold as permanently affordable housing to income-qualified buyers with an underlying land lease for each lot.

STAFF'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2014-224)

Declaring that the sixteen (16) lots of real property, amounting to approximately 3.3 acres of land identified by Assessor's Parcel Numbers 630-160-62 and 630-060-24, in the Otay Mesa-Nestor area (Property), are surplus City property and may be leased and sold by direct negotiation;

Declaring given the public benefit to be derived from the Ground Lease and the significant public benefit potentially resulting from the Purchase and Sale Agreement, that Council Policies 700-12 and 700-10 are hereby waived to the extent the Property is leased and potentially sold for less than fair market value;

Declaring given the history of flooding on the Property and the concern that any development result in safe housing conditions for occupants, that the City is only willing to lease and potentially sell the Property on strict condition that any development thereon be made safe, in conformity with all applicable laws, in light of the storm water engineering and drainage issues affecting the Property, and further on condition that the City be indemnified, released, and held harmless for all claims or liabilities caused by or related to development and use of the Property, including for all flood and storm water drainage issues and impacts;

Authorizing and directing the Mayor, or his or her designee, to lease the Property to the San Diego Community Land Trust, a California nonprofit corporation (Land Trust), pursuant to the terms and conditions of that certain Ground Lease, for the price of \$1;

Authorizing the Mayor, or his or her designee, to sell the Property to the Land Trust pursuant to the terms and conditions of that certain Purchase and Sale Agreement included in the Ground Lease, for the price of \$16;

Authorizing the Mayor, or his or her designee, to execute and deliver all such Agreements and all other instruments to effect and complete the transaction contemplated by this Resolution;

Authorizing the Chief Financial Officer to accept and deposit the proceeds of the lease of the Property into the General Fund 100000, and to accept and deposit the proceeds of the sale of the Property into the Capital Outlay Water Fund 400004;

Subitem-B: (R-2014-225)

Declaring that the lease and potential sale of real property consisting of approximately 3.3 acres of land identified as Assessor's Parcel Numbers 630-160-62 and 630-060-24 and located near Lauriston and Paxton Drives in the Otay Mesa-Nestor area, pursuant to that certain Ground Lease and included Purchase and Sale Agreement, is categorically exempt from California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Sections 15301 and 15312, and that an exception to the exemption does not apply under CEQA Guidelines Section 15300.2.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

Proceeds from the proposed ground lease will be deposited in the General Fund 100000. Proceeds from the sale of the Property, net of costs related to its sale, will be deposited in the Capital Outlay Fund 400002, as per City Charter Article VII. The sale would relieve the City of future expenses due to maintenance of the property, including debris and trash removal.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

- Various Council actions and resolutions were authorized in 1985-1990 regarding City liabilities and acquisition of the property.
- The Ground Lease was approved at the July 17, 2013, Land Use and Housing Committee meeting.

ACTION: Motion by Councilmember Alvarez, second by Councilmember Cole, to approve.

VOTE: 4-0; Zapf-yea, Lightner-yea, Cole-yea, Alvarez-yea.

Barwick/Chadwick

Primary Contact\Phone: Mary Carlson\619-236-6079, MS 51A
Secondary Contact\Phone: Jim Barwick\619-236-6145, MS 51A
City Attorney Contact: Fonseca, Jeremy M.

* ITEM-102: SR94/Euclid Avenue Interchange Appropriations Transfer for Phase 2. (Oak Park Community Area. District 4.)

ITEM DESCRIPTION:

This action is to transfer funds from the SR94/Euclid Avenue Interchange Project; from the planning account into the design account. On completion of the transfer the planning account will be closed out and the planning phase considered complete. The transfer of funds and closure of the planning account will allow for proper tracking of the project phase and associated expenses.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2014-236)

Authorizing the Chief Financial Officer to transfer appropriations and expenditures in an amount not to exceed \$425,000 from CIP S-11046, SR94/Euclid Avenue, to CIP S-14009, SR94/Euclid Avenue Interchange - Phase 2, within Fund 400174, TransNet Extension RTCIP;

Authorizing the Chief Financial Officer to close CIP S-11046, SR94/Euclid Avenue Interchange;

Declaring that this activity is a fiscal action to create funding mechanisms and is not a project and is therefore exempt from California Environmental Quality Act (CEQA), pursuant to State CEQA Guidelines Section 15060(c)(3) and Section 15378(b)(4).

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

This action will authorize to transfer the appropriations and expenditure in the amount of \$425,000 from CIP S-11046, SR94/Euclid Avenue Interchange Improvements to CIP S-14009, SR94/Euclid Avenue Interchange-Phase 2, within Fund 400174, TransNet Extension RTCIP. The \$425,000 includes an expenditure of \$80,199.69 and an available budget of \$344,800.31. Current appropriation in S-14009 is \$400,000. If approved, this CIP transfer would provide funding for the development of plans, specifications, and project cost estimates. This action will consolidate project funds into one CIP, eliminate duplicate project accounts and minimize duplicate efforts. The total amount budget appropriations in the project will be \$825,000.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

- Redevelopment Resolution No. R-04649/RA-2011-108, dated March 25, 2011, authorizing submittal of application to California Department of Transportation for Environmental Justice Transportation Planning Grant amount of \$250,000 for SR 94 Euclid to Market/Imperial Corridor Plan.
- City Council Resolution No. R-307013/R-2012-115, dated September 13, 2011, authorizing the acceptance of a California Department of Transportation Planning Grant for the SR-94 Euclid to Market/Imperial Corridor Study.
- City Council Ordinance No. O-20289, dated July 30, 2013, adopting the annual budget for Fiscal Year 2014 and appropriating the necessary money to operate the City of San Diego for said fiscal year.

Sturdevan/Chadwick

Primary Contact\Phone: Linda Marabian\619-533-3082, MS 608

Secondary Contact\Phone: Gary Chui\619-533-3770, MS 608

City Attorney Contact: Gerrity, Ryan P.

* ITEM-103: Lease renewal between the City of San Diego and the YMCA of San Diego County located at 5505 Friars Road, San Diego, CA. (Mission Valley Community Area. District 7.) (Rev. 10/30/13)

ITEM DESCRIPTION:

The YMCA seeks a new lease renewal for a thirty-year term with the City. The proposed lease renewal will allow the Lessee to erect a solar power system at a cost of \$3.73 million, and the lease will include updated lease language in areas such as insurance requirements, indemnification, and Storm Water Best Management Practices.

STAFF'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2014-185)

Authorizing and directing the Council President, in his capacity under Charter Section 265(i), or his designee, to execute that certain thirty (30)-year "City of San Diego Public Purpose Ground Lease," with the YMCA of San Diego County, a California nonprofit public benefit corporation, for the continued operation of a YMCA Community Center at 5505 Friars Road, San Diego, California, to provide recreational, health, social, educational and cultural benefits to YMCA members and the general public;

Authorizing the Council President, in his capacity under Charter Section 265(i), or his designee, to execute and deliver all such Agreements and all other instruments to effect and complete the transaction contemplated by this Resolution;

Declaring that given the recreational, health, social, educational, cultural and other public benefits to be afforded by continued use of the property located at 5505 Friars Road as a YMCA Community Center, Council Policy 700-12 is hereby waived to the extent that the Property shall be leased at less than fair market value as authorized hereby.

Subitem-B: (R-2014-186)

Declaring that the Lease Agreement between the City of San Diego and the YMCA of San Diego County, a California nonprofit public benefit corporation, for the continued operation of a community center on the City-owned real property located at 5505 Friars Road, San Diego, California, is categorically exempt from California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 and that an exception to the exemption does not apply under CEQA Guidelines Section 15300.2.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The rent will go from \$100 to \$3,320 for the first year, and then adjusted with annual Consumer Price Index (CPI) adjustments for the balance of the lease term. The rent revenue will be deposited to the General Fund 10000.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

This item was heard at the Land Use and Housing Committee meeting on September 11, 2013, and approved to move to full Council.

ACTION: Motion by Councilmember Cole, second by Councilmember Lightner, to approve the lease.

VOTE: 4-0; Zapf-yea, Lightner-yea, Cole-yea, Alvarez-yea.

Barwick/Chadwick

Primary Contact\Phone: Charmaine Gillis\619-236-6986

Secondary Contact\Phone: Kristi Geitz\619-236-7031

City Attorney Contact: Fonseca, Jeremy M.

- * ITEM-104: Lease Amendment between the City of San Diego and the YMCA of San Diego County located at 7877 Herschel Avenue, La Jolla CA. (La Jolla Coastal Area. District 1.)

ITEM DESCRIPTION:

The YMCA seeks a Lease Amendment for an additional twenty five (25)-year term with the City as is required in their current Lease. The proposed extension will allow the Lessee to continue to use the premises as a nonprofit community center/YMCA at a nominal rental rate, update lease language in areas such as: insurance requirements, indemnification and Storm Water Best Management Practices.

STAFF'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2014-192)

Authorizing and directing the Council President, in his capacity under Charter Section 265(i), or his designee, to execute that certain "City of San Diego First Amendment to Nonprofit Lease," with the YMCA of San Diego County, a California nonprofit public benefit corporation, for the continued operation of a YMCA Community Center at 7877 Herschel Avenue, San Diego, California, to provide recreational, health, social, educational and cultural benefits to YMCA members and the general public;

Authorizing the Council President, in his capacity under Charter Section 265(i), or his designee, to execute and deliver all such Agreements and all other instruments to effect and complete the transaction contemplated by this Resolution;

Declaring that given the recreational, health, social, educational, cultural and other public benefits to be afforded by continued use of the property located at 7877 Herschel Avenue as a YMCA Community Center, Council Policy 700-12 is hereby waived to the extent that the Property shall be leased at less than fair market value as authorized hereby.

Subitem-B: (R-2014-193)

Declaring that the "City of San Diego First Amendment to Nonprofit Lease," between the City and the YMCA of San Diego County, a California nonprofit public benefit corporation, for the continued operation of a community center on the City-owned real property located at 7877 Herschel Avenue, San Diego, California, is categorically exempt from California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 and that an exception to the exemption does not apply under CEQA Guidelines Section 15300.2.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The annual rent will go from zero to \$3,250 annually during the term of the Agreement with annual Consumer Price Index adjustments.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

This item was heard at the Land Use and Housing Committee meeting on September 11, 2013, and approved to move to full Council.

ACTION: Motion by Councilmember Lightner, second by Councilmember Alvarez, to approve the lease.

VOTE: 4-0; Zapf-yea, Lightner-yea, Cole-yea, Alvarez-yea.

Barwick/Chadwick

Primary Contact\Phone: Charmaine Gillis\619-236-6986, MS 51A

Secondary Contact\Phone: Kristi Geitz\619-236-7031, MS 51A

City Attorney Contact: Fonseca, Jeremy M.

* ITEM-105: San Vicente Reservoir Project Utility Easement Authorization. (Unincorporated San Diego County.)

ITEM DESCRIPTION:

The San Diego County Water Authority is raising the height of the City's San Vicente Dam and expanding the reservoir to increase emergency and carryover storage capacity for the region by 152,000 acre-feet. Authorize the Mayor, or his designee, to grant any utility easements necessary for the completion of the San Vicente Reservoir dam raising/expansion project.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2014-248)

Authorizing the Mayor, or his designee, to grant and execute easement deeds, and all other associated conveyance documents, to public utilities for utility easements over City property that are determined by the City's Real Estate Assets Department to be necessary and appropriate for completing that certain Emergency Storage Project, authorized by San Diego City Council, Ordinance No. O-18521 (Project), to raise, expand, and improve the San Vicente Dam and related reservoir facilities. The grant of this authority is limited to grants of easements that are to be used exclusively for utilities that will service and benefit City facilities; that are to be located over, in, or under those certain facilities and real property located east of Highway 67 and adjacent to the San Vicente Dam and reservoir as further described in and covered by the Project; and that are necessary and appropriate for fulfilling and completing the Project and all various aspects thereof. The grant of this authority shall include grants of easements for which the City does not obtain monetary consideration, based on the benefits of the utilities to the City, the Project, and the public interest;

Declaring that this grant of authority shall not affect any of the City's other existing processes which are to be followed prior to granting such utility easements. Furthermore, the Real Estate Assets Department shall annually report to the City Council concerning the utility easements that have been granted as authorized herein.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

None.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

- Ordinance No. O-18521 adopted on May 26, 1998 - An Ordinance of the City Council of the City of San Diego authorizing the City Manager to execute an Agreement with the San Diego County Water Authority for use of the San Vicente Reservoir as part of the emergency storage project; and authorizing the City Manager to execute an Agreement with the San Diego County Water Authority for use of the Lake Hodges Dam and reservoir as part of the Emergency Storage Project.

- This item was heard at the Land Use and Housing Committee meeting on October 23, 2013.

ACTION: Motion by Councilmember Lightner, second by Councilmember Cole, to approve.

VOTE: 4-0; Zapf-yea, Lightner-yea, Cole-yea, Alvarez-yea.

Barwick/Chadwick

Primary Contact\Phone: Lane MacKenzie\619-236-6050, MS 51A

Secondary Contact\Phone: Christina Marin\619-533-6509, MS 51A

City Attorney Contact: Fonseca, Jeremy M.

* ITEM-106: Extend contract with Sullivan Hill Lewin Rez & Engel firm continuing legal services in defense of *Janet Wood v. City of San Diego*, San Diego Superior Court Case No. 37-2010-00105217-CU-CR-CTL.

ITEM DESCRIPTION:

The case of *Janet Wood v. City of San Diego* has been going on for 11 years including two appeals in the Federal Court. Over this period of years, the contract amount has been extended several times in \$350,000 increments. The law firm has always been successful and the Plaintiff's attorney repeatedly finds new ways to re-allege and reargue the same issue.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2014-118)

Authorizing the Mayor, or his designee, to expend an additional \$350,000 for the Law Offices of Sullivan Hill Lewin Rez & Engel to provide legal services, including costs incurred, defending and prosecuting demurrers and motions for summary judgment and, depending upon results, trial and/or appeal in the case *Janet Wood v. City of San Diego*, San Diego Superior Court Case No. 37-2010-00105217-CU-CR-CTL;

Authorizing the Chief Financial Officer to appropriate and expend an amount not to exceed \$350,000 from the Public Liability Fund No. 720045, contingent upon the Chief Financial Officer first furnishing one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The City has been paying the firm of Sullivan Hill Lewin Rez & Engel at agreed upon hourly rates which, due to passage of time are favorable. This supplemental request has a "not-to-exceed" amount of \$350,000 which will be paid from the Public Liability Fund 720045.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

In Closed Session in 2002, the City Council approved the retention of the Sullivan Hill firm. Since then, the Council has been briefed periodically on the status of the case and various settlement proposals.

Jones

Primary Contact\City Attorney\Phone: Joe Cordileone\619-533-5854

- * ITEM-107: Acquisition of 19.78-acre parcel in Del Mar Mesa for Multiple Species Conservation Program (MSCP). (Del Mar Mesa Specific Plan Area. District 1.)

ITEM DESCRIPTION:

The City is seeking to acquire a 19.78-acre parcel (APN: 306-050-05) within the Del Mar Mesa Specific Plan area. The 16.78 acres would be conserved as part of the continued implementation of the Multiple Species Conservation Program (MSCP). Del Mar Mesa is a biologically critical region, deemed essential for continued conservation of San Diego's unique biodiversity. This parcel has been identified by MSCP staff and the Wildlife Agencies to be important based upon its location in the Multi-Habitat Planning Area (MHPA) and habitat value. The eastern three acres of said parcel 306-050-05 would be acquired as right-of-way for the future extension of Camino del Sur (formerly Camino Ruiz North) as identified in the approved Grade and Alignment Study for Camino Ruiz North.

STAFF'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2014-163 Cor. Copy)

Authorizing the Council President, in his capacity under Charter Section 265(i), or his designee, to take all actions necessary to acquire the parcel of land totaling 19.78 acres (APN: 306-050-05), described as the north one half of the northeast quarter of the southeast quarter of Section 14, Township 14 South, Range 3 West, in the City of San Diego, County of San Diego, accordingly to the official plat thereof within the Del Mar Mesa Specific Plan area, for a purchase price not to exceed \$800,000;

Authorizing the Chief Financial Officer to appropriate and expend an amount not to exceed \$718,665 from Fund 200697 (Prop C Implementation Obligation), 13001772 (MSCP Acquisition of 306-50-05) for the acquisition, including City administrative charges to acquire 16.78 acres of said 19.78 acres within the Del Mar Mesa Specific Plan area for open space preservation, 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;

Authorizing the Chief Financial Officer to appropriate and expend an amount not to exceed \$121,335 from Fund 400096 (Western Pacific Contribution-Torrey Highlands), 13001772 (MSCP Acquisition of 306-50-05), for the acquisition, including City administrative charges to acquire 3.0 acres of said 19.78 acres required for the future extension of proposed Camino del Sur roadway (formerly Camino Ruiz North) contingent upon the Chief Financial Officer furnishing a certificate certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

Subitem-B: (R-2014-164)

Declaring that the Council of the City of San Diego, using its independent judgment, has considered the written record and public comment for the City's request to acquire 16.78 acres within the Del Mar Mesa Specific Plan area which will be open space preservation, and has determined that said activity is categorically exempt from California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15313, and that an exception to the exemption as set forth in CEQA Guidelines Section 15300.2 does not apply.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

- Property has been appraised by Pete Robertson, MAI with a market value of \$800,000.
- Property Acquisition: \$800,000 Related Costs: appraisal, environmental, title, labor, closing costs and miscellaneous costs of acquisition \$40,000; Total cost \$840,000.
- Funding will come from the sources as outlined below:
 - 1) 16.78 acres will be acquired through expenditure of funds that have been identified for acquisition of lands for conservation purposes:
 - Fund 200697 has been established for the acquisition of public open space land within or in the vicinity of the North City Future Area (NCFUA). The 16.78 acres will be acquired with \$718,665 from Fund 200697.
 - 2) Three acres of road right-of-way is to be reserved out of the easterly portion of the parcel and purchased with separate funding: \$121,335 from Fund 400096 (Western Pacific Contribution-Torrey Highlands).

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

- Resolution No. R-296182 dated May 2, 2002 - Amended and Restated Agreement Relating to Implementation of Proposition "C."
- Resolution No. R-294536 dated February 12, 2001 - Approving the Camino Ruiz North project and the Grade and Alignment Study for the Camino Ruiz North (now Camino del Sur).
- This item was heard at the Land Use and Housing Committee meeting on September 11, 2013, and forwarded to full Council with a recommendation to approve.

ACTION: Motion by Councilmember Alvarez, second by Councilmember Cole, to approve.

VOTE: 4-0; Zapf-yea, Lightner-yea, Cole-yea, Alvarez-yea.

Barwick/Chadwick

Primary Contact\Phone: April McCuster\619-236-6987

Secondary Contact\Phone: Lane MacKenzie\619-236-6050

City Attorney Contact: Bevier, Debra J.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS
RESOLUTIONS:

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

ITEM-330: Consideration of Nominees for Appointment to the Sustainable Energy Advisory Board.

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2014-232 Cor. Copy) (Rev. 10/31/13)

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 Sustainable Energy Advisory Board, for terms ending as indicated:

<u>NAME</u>	<u>CATEGORY</u>	<u>TERM ENDING</u>
Julie Yunker (Carlsbad) (Filling the vacancy in the seat previously held by Lisa Baron, who resigned)	SDG&E	March 1, 2014
Charles Buck (South Park, District 3) (Filling the vacancy in the seat previously held by Andrew McAllister, who resigned)	California Center for Sustainable Energy	March 1, 2014
Andrew McKercher (Bay Ho, District 2) (Filling the vacancy in the seat previously held by Jennifer Badgley, who resigned)	Labor Organization	March 1, 2014
Douglas Kot (North Park, District 3) (Filling the seat previously held by Michael Turk)	Building Industry	March 1, 2015

Jay Powell (Normal Heights, District 3) (Filling the seat previously held by Dr. Emily Young)	Environmental Advocate	March 1, 2015
John Bumgarner (North Park, District 3) (Reappointment)	Solar Power System Manufacturer	March 1, 2015
Matthew Ellis (Mission Hills, District 3) (Filling the seat previously held by Jay Riordan) (Rev. 10/31/13)	At-Large Member	March 1, 2014
Emily Wier (Point Loma, District 2) (Filling the seat previously held by Jeanne Fricot)	At-Large Alternate	March 1, 2015

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

ITEM-331: Consideration of Nominees for Appointment to the Qualcomm Stadium Advisory Board.

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2014-231 Cor. Copy)

Council confirmation of the following appointments by the Council of the City of San Diego, in compliance with Charter Section 43(c), to serve as members of the Qualcomm Stadium Advisory Board, for terms ending as indicated:

<u>NAME</u>	<u>TERM ENDING</u>
Jesse Durfee (University Heights, District 3) (Filling the seat previously held by Michael R. Simonsen, who resigned)	January 1, 2016
John Thomson (Kensington, District 9) (Filling the seat previously held by Kim Folsom, who resigned)	January 1, 2016
Carol Jeffries (Chula Vista) (Filling the seat previously held by Carlos Vasquez, who is termed out)	January 1, 2016
Albert Velasquez (Otay Mesa, District 8) (Filling the seat previously held by William Jeffery III, who is termed out)	January 1, 2014

Declaring that pursuant to Council Policy 000-13, for purposes of deliberation and consideration of appointments, it is determined that Carol Jeffries 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.

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

ITEM-332: Miramar Road Widening Project - Eminent Domain. (Miramar Community Area District 1.)

ITEM DESCRIPTION:

The Miramar Road Project will provide for a right turn pocket and a Class II bike lane for westbound Miramar Road at Eastgate Mall. The Project will also accommodate drainage facilities as required and adjustments to the existing traffic signal to accommodate the proposed turn lane. The necessary right of way will impact two adjacent properties owned by a single entity, Eastgate Miramar Associates, a California Limited Partnership.

City Staff will continue to negotiate with the property owner, however, authority to undertake eminent domain proceedings to acquire the Easements is requested to ensure possession of the Easements in advance of an award of the construction contract for the Project.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2014-252)

Declaring that the public interest, convenience and necessity of the City of San Diego, and the inhabitants thereof, require the acquisition of the following real property interests:

- a) approximately 3,911.24 square feet of permanent public street easement over APN 343-260-06 and approximately 4,079.66 square feet of permanent public street easement over APN 343-260-07, both more specifically described and depicted in Attachment I;
- b) approximately 2,346.29 square feet of temporary construction area over APN 343-260-06 and approximately 9,054.59 square feet of temporary construction area over APN 343-260-07, both more specifically described and depicted in Attachment II;

Declaring that the City of San Diego has the power of eminent domain pursuant to, inter alia, Charter Section 220; California Code of Civil Procedure Sections 1240.010, 1240.110, 1240.120, 1240.140, 1240.510, 1240.610 and 1255.410; California Government Code Sections 37350.5, 37353, and 40404; and California Streets and Highways Code Sections 5101, 5102, 5023 and 5023.1;

Declaring that the taking and acquiring of the real property interests sought and described herein are deemed necessary for the construction, improvement, operation and maintenance of a public street and incidents and appurtenances thereto to serve the City of San Diego and the inhabitants thereof, for municipal purposes; that such use is a public use authorized by law (inter alia, Charter Section 220; California Code of Civil Procedure Sections 1240.010, 1240.110, 1240.120, 1240.140, 1240.510, 1240.610 and 1255.410; California Government Code Sections 37350.5, 37353, and 40404; and California Streets and Highway Code Sections 5101, 5102, 5023 and 5023.1); that for such public use, it is necessary that the City of San Diego condemn and acquire said real property interests to ensure the completion of the Project;

Declaring that the Project for which these acquisitions are being sought is the Miramar Road Widening Project, and that the acquisitions will enable the City of San Diego to provide a safer, more efficient street system for the community in the subject area;

Declaring that the taking and acquisition of the real property interests sought and described herein are necessary in order to proceed with the construction, improvement, operation and maintenance of the Project and incidents and appurtenances thereto, and are planned and located in a manner most compatible with the greatest public good and the least private injury;

Declaring that an offer to acquire the real property interests, pursuant to California Government Code Section 7267.2, at the appraised fair market value, has been made to each party claiming an interest(s) in the real property interests sought;

Authorizing and directing the City Attorney of the City of San Diego to commence an action in the Superior Court of the State of California, in and for the County of San Diego, in the name of and on behalf of the City of San Diego, against all claimants with any interest(s) in the above described real property interests, and to seek immediate possession of said real property interests pursuant to California Code of Civil Procedure Section 1255.410;

Authorizing the Chief Financial Officer to expend funds in the amount of \$757,300 from CIP S-00880, Miramar Road Widening Project, Fund No. 400080, to acquire the real property interests found necessary for the Project, and for deposit into the State Treasury's State Condemnation Fund. This is the probable amount of compensation to be paid by the City for the necessary real property interests to be acquired.

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

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The appraised Fair Market Value of the property rights to be acquired is \$757,300. This is the probable amount of compensation to be paid for the property rights to be acquired. All funds necessary for the acquisition of the required property rights are currently available within the existing CIP Budget, specifically in Fund No. 400080.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

Resolution R-296192, dated March 18, 2002, for the design of the Miramar Road Project.

Barwick/Chadwick

Primary Contact\Phone: Lane MacKenzie\619-236-6050

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

City Attorney Contact: Bevier, Debra J.

ADOPTION AGENDA, DISCUSSION, HEARINGS

NOTICED HEARINGS:

The following item will be considered in the morning session which is scheduled to begin at 10:00 a.m.

ITEM-333: Kaiser San Diego Central Medical Center, Project No. 274240. (Kearny Mesa Community Plan Area. District 6.)

ITEM DESCRIPTION:

Approval of actions necessary for the demolition of the existing 337,564 square foot County of San Diego annex building and construction of a new Kaiser Hospital complex on a 20.01 acre site located at 5201 Ruffin Road in the Kearny Mesa Community Planning Area.

STAFF'S RECOMMENDATION:

Adopt the following resolutions:

Subitem A: (R-2014-235)

Adoption of a Resolution certifying Environmental Impact Report No. 274240, including a water supply assessment, and adopting Findings, a Statement of Overriding Considerations, and a Mitigation, Monitoring and Reporting Program for the Kaiser San Diego Central Medical Center Project – Project No. 274240;

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.

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

Subitem B: (R-2014-238)

Adoption of a Resolution granting Conditional Use Permit No. 963644, Site Development Permit No. 1069754 and Planned Development Permit No. 963645 for the Kaiser San Diego Medical Center – Project No. 274240 (MMRP);

Certifying findings supported by the minutes, maps and exhibits, all of which are incorporated herein by this reference, with respect to Conditional Use Permit No. 963644, Site Development Permit No. 1069754 and Planned Development Permit No. 963645.

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

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

None with this action. All costs associated with the processing of this project are paid from a deposit account maintained by the applicant.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

None with this action.

Tomlinson/Chadwick

Primary Contact\Phone: Jeffrey A. Peterson \ 619 446-5237; MS501

Secondary Contact\Phone: Laura Black\619-236-6327, MS 501

City Attorney Contact: Heidi K. Vonblum

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-334: Enterprise Asset Management Steering Committee Asset Management Guidelines and Procedures. (Citywide.)

ITEM DESCRIPTION:

The purpose of this action is for City Council to consider adopting the asset management guidelines and procedures presented in the report as a Council Policy. The guidelines and procedures are intended to provide a framework within which an asset owning department can implement an asset management program specific to that department's core functions.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2014-259 Cor. Copy) (Rev. 10/31/13)

Establishing Council Policy No. 800-16 titled "Asset Management Guidelines and Plan Steps" 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, however, if complete asset management practices are adopted and required, considerable resources will be needed in order to comply.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

- On February 2, 2013, the Infrastructure Committee requested the Enterprise Asset Management Steering Committee to return with an asset management policy.
- On July 31, 2013 the asset management policy item was presented to the Infrastructure Committee.

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

- a) Capital Improvements Program Review and Advisory Committee (CIPRAC) to return to Committee within 6 months with a report on the proposed implementation timeline for each participating department as well as a report on proposed levels of service for asset categories recommended by CIPRAC;
- b) Staff to annually review the policy and provide Committee with an update;
- c) Staff to return to Committee within 6 months with a report on SAP-Enterprise Asset Management (EAM) implementation.

Staff will return to Committee with the above updates as requested.

VOTE: 3-0; Cole-yea, Sherman-absent, Kersey-yea, Emerald-yea.

Heinrichs/Chadwick

Primary Contact\Phone: Susan Bowman\858-654-4429, MS 901A
Secondary Contact\Phone: Gene Matter\858-541-4346, MS 1900
City Attorney Contact: Mercer, Mark M.

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

ITEM-335: Fiscal Year 2014 (FY14) Community Development Block Grant (CDBG) Second Allocation.

ITEM DESCRIPTION:

Conduct a Second Allocation Hearing to approve an additional \$1,367,187.70 in Community Development Block Grant (CDBG) funding for Fiscal Year 2014 (FY14).

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2014-249)

Authorizing the Chief Financial Officer to accept \$11,327,381 in Community Development Block Grant (CDBG) funds from U.S. Department of Housing and Urban Development (HUD) for the City's FY 2014 CDBG Program;

Approving the additional funding recommendations for the City's FY 2014 CDBG Program, as set forth in Attachment 1 of the Staff Report;

Authorizing the Chief Financial Officer to appropriate and expend an additional \$1,367,187.70 in FY 2014 CDBG funds, which consists of: \$493,447.70 from the FY 2014 unobligated CDBG balance, \$624,359 from the balance of the additional entitlement balance, and \$249,381 from two agencies that declined CDBG funding; in addition to the FY 2013 CDBG entitlement funds totaling \$10,703,022, approved in Resolution R-308064 for the City's CDBG funding obligations, projects and programs, contingent upon the Chief Financial Officer certifying that funds are available;

Authorizing the Chief Financial Officer to appropriate \$1,067,934 for Capital Improvement and Community and Economic Development (CIP/CED) projects, \$55,658 for Public Service projects, \$101,597 for City Homeless Programs, \$124,872 for CDBG administration and the balance of \$17,126.70 to the unobligated CDBG balance;

Authorizing the Chief Financial Officer to de-appropriate \$90,783 in Fund No. 600000, CDBG 2014 Grant No. 1000003-2014 from the International Rescue Committee and \$158,598 from Fund No. 600000, CDBG 2014 Grant No. 100000-2014 from the San Diego Community Housing Corporation, for a total of \$249,381;

The allocation of CDBG funds is approved for the San Diego Housing Commission in the amount not to exceed \$101,597 for the Cortez Hill Family Shelter Program, Vietnam Veterans of San Diego Homeless Shelter Program, and the Connections Housing Program;

Authorizing and directing the Mayor, or designee, to negotiate and execute Agreements and any Amendments with the agencies for which the projects and programs have been approved for CDBG funding, contingent upon the Chief Financial Officer certifying that funds are available;

Authorizing the Chief Financial Officer to appropriate and expend the FY 2014 CDBG funding for the projects and programs approved for CDBG funding, including those set forth in Resolution No. R-308064.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

No fiscal impact to the General Fund with this action. Funding for each project described in this report is available from the U.S. Department of Housing and Urban Development (HUD) through Community Development Block Grant (CDBG) Program funding. If the shortfall in homeless programs funding is not replenished, SDHC's contracts with the homeless service providers would need to be adjusted downward, resulting in a reduction in families served, elimination of staff and security personnel positions, and reduction in support services.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

On March 25, 2013, City Council approved FY14 the first allocation of CDBG funds based on estimated entitlement amounts.

Tomlinson/Chadwick

Primary Contact\Phone: Amy Gowan\619-236-6421

Secondary Contact\Phone: Sima Thakkar\619-236-5902

City Attorney Contact: Malcolm, Katherine A.

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

ITEM-336: Additional Streamlining Measures to Efficiently Implement Capital Improvements Projects.

ITEM DESCRIPTION:

Amend the San Diego Municipal Code regarding Job Order Contracting (JOC) Contracts to increase the maximum contract amount without City Council approval from \$10,000,000 to \$30,000,000 and to increase the task order limit from \$1,000,000 to \$5,000,000 for Pipeline and Asphalt Paving Task Orders. Amend the San Diego Municipal Code regarding consultant contracts to provide architectural or engineering services for public works projects previously identified and appropriated through the Annual Capital Improvements Program budget to also include all other professional services consultant contracts that are identified and appropriated through the Annual Capital Improvements Program budget.

STAFF'S RECOMMENDATION:

Introduce the following ordinance:

(O-2014-55)

Introduction of an Ordinance amending Chapter 2, Article 2, Division 31, of the San Diego Municipal Code, by amending Sections 22.3103 and 22.3104; and amending Chapter 2, Article 2, Division 32, by amending Section 22.3207; all relating to Capital Improvement Program Contracting Procedures;

This ordinance amends the San Diego Municipal Code to expand the City Manager's authority to award contracts related to the Capital Improvement Program without City Council approval. The City Manager's authority to award Job Order Contracts is being increased from \$10,000,000 to \$30,000,000 and the authority to issue task orders is being increased from \$1,000,000 to \$5,000,000 for pipeline work and asphalt paving work. The City Manager's authority to award consultant contracts of \$1,000,000 or less is being expanded from just consultants providing architectural or engineering services to all consultants working on a public works project.

STAFF SUPPORTING INFORMATION:**FISCAL CONSIDERATIONS:**

These Amendments to the San Diego Municipal Code will amount to improvements to the CIP program which will allow millions of dollars of CIP projects to proceed to design and construction three (3) to six (6) months sooner than would be the case if the projects were all individually advertised and awarded. This is in large part because projects that are completed under Job Order Contracting (JOC) require less extensive plans and do not require contract documents. The further expansion of the JOC program will amount to less staff time (across multiple departments) required to implement the CIP Program which will ultimately allow staff to deliver the CIP in a timelier and more efficient manner. The increase in timeliness and efficiency could ultimately reduce the cost to deliver the CIP program.

Regarding the fiscal impact of stand-alone advertising of projects versus JOC task orders, JOC Contracts are competitively bid with adjustment factors in lieu of lump sum prices. JOC task orders are priced by applying the contractor's competitively bid adjustment factor to work items contained within a pre-defined price book (unit price book). JOC project costs are deemed competitively bid and competitive with stand-alone construction projects when the competitively bid adjustment factors are applied to the unit price book work items. Therefore, the expansion of the JOC program is not anticipated to increase the cost of construction projects.

Expanding the types of consultant contracts up to \$1,000,000 that the Mayor is authorized to award when identified and appropriated in the Annual CIP budget will reduce administrative time spent by City staff thereby making the CIP program more efficient to deliver.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

- On June 29, 1998, Section 21.3103 "General Requirements Contracts" was added to the San Diego Municipal Code by City Council approval of Ordinance O-18532.
- On April 23, 2012, San Diego Municipal Code Section 21.3103, was retitled "City Manager's Authority to Award Job Order Contracts" and amended by City Council approval of Ordinance O-20148 which became effective on May 23, 2012.
- This item was heard at the Infrastructure Committee meeting on September 26, 2013, and forwarded to the City Council for consideration. (Rev. 11/4/13)

ACTION: Motion by Councilmember Emerald, second by Vice-Chair Cole, to forward staff recommendation to City Council.

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

Nagelvoort/Chadwick

Primary Contact\Phone: Darren Greenhalgh\619-533-3616, MS 612
Secondary Contact\Phone: Jim Shamloufard\619-533-3160, MS 612
City Attorney Contact: Zeleny, Thomas C.

ADOPTION AGENDA, DISCUSSION, HEARINGS

NOTICED HEARINGS:

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

ITEM-337: Amendment to the Mid-City Communities Planned District Ordinance for an Interim Height Limitation in the Uptown Community. (Uptown Community Plan Area. District 3.)

ITEM DESCRIPTION:

The proposed amendment would be a continuation of the current height limitations that would: Restrict building heights to 50 feet in Mission Hills and 65 feet in Hillcrest north of Upas Street within areas in the Uptown community where the existing zoning allows maximum building heights over 150 feet; establish a Process 4 discretionary approval process in Bankers Hill/Park West for development proposals south of Upas Street that would exceed 65 feet in height including findings for approval; provide a 15-foot exception to the maximum height limit for roof access, elevator overrides, and sustainable development features; and expire when new zoning is adopted to implement the Uptown Community Plan Update.

STAFF'S RECOMMENDATION:

Introduce the following ordinance:

(O-2014-51)

Introduction of an Ordinance amending Chapter 15, Article 12, Division 2 of the San Diego Municipal Code by amending the editor's note for Section 1512.0203, and by amending Sections 1512.0204 and 1512.0205, all relating to the Sunset Provisions for structure height limits and a Process Four Mid-City Communities Development Permit requirement within the Uptown Community Plan Area.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS: None.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

On October 23, 2013, the Land Use and Housing Committee voted 4-0-0 to recommend that the City Council approve the amendment to the Mid-City Communities Planned District Ordinance for an interim height limitation in the Uptown community that would end coterminous with the Uptown Community Plan Update.

Tomlinson/Chadwick /mp

Primary Contact\Phone: Marlon I. Pangilinan\619-235-5293, MS 413

Secondary Contact\Phone: Bernard Turgeon\619-533-6575, MS 413

City Attorney Contact: Amanda L. Guy

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT