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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**

**Tuesday, December 10, 2013**

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

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

**OTHER LEGISLATIVE MEETINGS**

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**

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF COUNCIL MINUTES**

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

09/30/2013  
10/01/2013  
10/07/2013  
10/08/2013  
10/14/2013 - Adjourned  
10/15/2013 - Special Meeting  
10/15/2013

PROCLAMATIONS/CEREMONIAL ITEMS

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

ITEM-30: Water Policy Implementation Task Force Day.

**PRESENTED BY COUNCIL PRESIDENT PRO TEM LIGHTNER:**

Congratulating the Water Policy Implementation Task Force, and declaring December 10, 2013, to be "Water Policy Implementation Task Force Day" in the City of San Diego.

ITEM-31: David Akin Day.

**PRESENTED BY COUNCILMEMBER SHERMAN:**

Proclaiming December 10, 2013, to be "David Akin Day" in the City of San Diego.

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

ITEM-32: **NOTE:** This item has been removed from today's docket.

ITEM-33: Mount Soledad Veterans Celebration Day.

**COUNCIL PRESIDENT PRO TEM LIGHTNER'S, COUNCILMEMBER FAULCONER'S, AND COUNCIL PRESIDENT GLORIA'S RECOMMENDATION:**

Proclaiming November 9, 2013, to be "Mount Soledad Veterans Celebration Day" in the City of San Diego.

ITEM-34: Sycuan Band of the Kumeyaay Indians Day.

**COUNCIL PRESIDENT GLORIA'S AND COUNCILMEMBER KERSEY'S RECOMMENDATION:**

Proclaiming November 16, 2013, to be "Sycuan Band of the Kumeyaay Indians 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 Alfred C. Strohlein submitted on November 10, 2013, regarding the San Diego Hospice and Institute for Palliative Medicine.

ITEM-41: Communication request from Hud Collins submitted on November 8, 2013, regarding the San Diego Ambulance situation and Death benefits/disability benefits.

ITEM-42: Communication request from Hud Collins submitted on October 31, 2013, regarding a resolution against the War Memorial Protection Act.

ITEM-43: Communication request from Hud Collins submitted October 31, 2013, regarding Council sponsored debates.

ITEM-44: Communication request from Hud Collins submitted October 31, 2013, regarding Medical Marijuana Plan.

ITEM-45: Communication request from Hud Collins submitted October 31, 2013, regarding a Citywide Convention.

ADOPTION AGENDA, CONSENT ITEMS  
ORDINANCES TO BE INTRODUCED:

- \* ITEM-50: Tenth Amendment of the San Diego New Central Library Joint Venture Agreement. (Centre City Community Area. District 3.)

**ITEM DESCRIPTION:**

Adopt an ordinance to amend the Joint Venture Contract with Rob Wellington Quigley and Tucker Sadler Architects for structural engineering construction administration for the library dome and special events room and additional services necessary for coordinating the artwork design in the library and auditorium and construction completion. Authorize the Chief Financial Officer to accept energy efficiency rebate funds from SDG&E and appropriate \$70,000 from SDG&E and an additional \$50,000 from PEG fee (City TV) funds for the purpose of funding New Central Library project related costs.

**STAFF'S RECOMMENDATION:**

Introduce the following ordinance:

(O-2014-74)

Introduction of an Ordinance authorizing the Council President, in his capacity under Charter Section 265(i), or his designee, to execute a Tenth Amendment to the Agreement with the Joint Venture of Rob Wellington Quigley Architects and Tucker Sadler Architects to provide architectural and engineering services for the Project;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$400,000 from CIP S-00799, San Diego New Central Library, Fund No. 400693, Central Library Contributions, solely and exclusively, to provide funds for the Tenth Amendment;

Authorizing the Chief Financial Officer to amend the Fiscal Year 2014 Annual Appropriation Ordinance to increase the Capital Improvement Program Budget in CIP S-00799, San Diego New Central Library, in an amount not to exceed \$120,000 consisting of \$50,000 in Fund No. 200595, PEG Fee (City TV), and \$70,000 in Fund No. 400264, Private and Others Contribution-CIP, contingent upon receipt of energy efficiency rebate funds from SDG&E;

Authorizing the Chief Financial Officer to accept, appropriate, and expend an amount not to exceed \$70,000 in CIP S-00799, San Diego New Central Library, Fund No. 400264, Private and Others Contribution-CIP, for the purpose of funding Project related costs, provided the Chief Financial Officer first furnishes one or more certificates demonstrating that the energy efficiency rebate funds from SDG&E are, or will be, on deposit in the City Treasury;

Authorizing the Chief Financial Officer to appropriate and expend an additional amount not to exceed \$50,000 in CIP S-00799, San Diego New Central Library, Fund No. 200595, PEG Fee (City TV), for the purpose of providing Audio Visual improvements for the New Central Library and Auditorium, provided the Chief Financial Officer first furnishes one or more certificates demonstrating the funds necessary for expenditure are, or will be, on deposit in the City Treasury.

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

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

This action requests the execution of the Tenth Amendment to the Joint Venture Agreement in an amount not to exceed \$400,000 from Fund 400693, Central Library Contributions, for the purpose of providing construction administration and additional services. Funding to increase the original, Joint Venture Agreement is currently available in CIP S-00799, San Diego New Central Library. If approved, this Tenth Amendment will increase the total Joint Venture Agreement amount to \$15,541,572 with Rob Wellington Quigley Architects, Inc., and Tucker Sadler Architects.

In addition, this action requests to increase the Capital Improvements Program Budget in CIP S-00799, San Diego New Central Library, and to accept, appropriate, and expend energy efficiency rebate funds from SDG&E in an amount up to \$70,000 from Fund 400264, Private and Others Contribution-CIP and \$50,000 from Fund 200595 PEG fee (City TV), for the purpose of funding project related costs, contingent upon the receipt of energy efficiency rebate funds from SDG&E and contingent upon the Chief Financial Officer furnishing one or more certificates certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasurer. If approved, the total project cost would increase to \$187.62 million.

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

- On July 7, 2009 (R-305063), the City Council authorized a letter of intent defining the conditions of San Diego Unified School District leasing the sixth and seventh floors of the New Main Library as a Charter School.
- On April 19, 2010 (R-305763), the City Council approved the City of San Diego New Central Library Lease Agreement with the San Diego Unified School District.
- On June 28, 2010, the City Council approved an additional up to \$500,000 expenditure and increase to the New Central Library CIP budget for SDUSD required architectural changes to the project (R-305943), authorized the Mayor, or his designee, to execute a phase-funded Agreement with Turner for the New Central Library Project construction and authorized accepting an estimated \$63,282,092 private donations and creating the New Central Library Contribution Fund (R-305941) and on July 19, 2010 City Council authorized the 8th Amendment to Agreement with the Project architects Joint Venture for construction administration (O-19971).

- On November 27, 2012 (R-307853), the City Council authorized an increase to the Fiscal Year 2013 Capital Improvements Program Budget in an amount not to exceed \$1,450,000, the appropriation and expenditure of \$1,000,000 PEG fee (City TV) for San Diego New Central Library for the purpose of providing audio visual improvement design and construction and authorized the appropriation and expenditure of up to \$200,000 in CIP S-00799, San Diego New Central Library, for the reimbursement of SDG&E required infrastructure and the appropriation and expenditure of up to \$250,000 for SDUSD requested architectural modifications.

- On June 11, 2013, the City Council authorized the 9th Amendment to Agreement with the Project architects Joint Venture to increase the additional services by \$93,900 for project design (O-20266).

- On July 30, 2013, the City Council authorized an increase to the Fiscal Year 2014 Capital Improvements Program Budget in an amount not to exceed \$650,000, the appropriation and expenditure of \$650,000 PEG fee (City TV) for San Diego New Central Library for the purpose of providing audio visual improvement design and construction and executing Change Order 5 to the Construction Manager at Risk Agreement with Turner Construction Company.

- This item was heard by the Infrastructure Committee on November 18, 2013, and the staff recommendation forwarded to the full City Council.

**ACTION:** Motion by Vice-Chair Cole, second by Councilmember Sherman, to forward staff recommendations to City Council.

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

Heinrichs/Chadwick

Primary Contact\Phone: Darren Greenhalgh\619-533-3616

Secondary Contact\Phone: Cynthia Meinhardt\619-533-5259

City Attorney Contact: Zeleny, Thomas C.

\* ITEM-51: Municipal Code Amendment to Allow Electric Vehicle Only Parking. (Citywide.)

**ITEM DESCRIPTION:**

Approve the San Diego Municipal Code changes to Sections 86.2003 and 86.0108, of the City of San Diego Municipal Code Chapter 08, Traffic and Vehicles.

**COUNCILMEMBER KERSEY'S RECOMMENDATION:**

Introduce the following ordinance:

(O-2014-62)

Introduction of an Ordinance amending Chapter 8, Article 6, Division 1 and Division 20, of the San Diego Municipal Code by amending Section 86.0108, relating to general parking regulations;

This ordinance amends Section 86.0108 to authorize the City Manager, to designate Electric Vehicle Parking Zones and to provide a definition of Electric Vehicle.

**SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:** N/A

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

- This item was heard at the Public Safety and Neighborhood Services (PS&NS) Committee meeting on October 9, 2013.

ACTION: Motion by Councilmember Kersey, second by Councilmember Cole, to direct the City Attorney Office to return to the PS&NS Committee on October 30, 2013, with a draft amendment to the San Diego Municipal Code to allow electric vehicle only designated parking.

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

- This item was heard at the PS&NS Committee meeting on October 30, 2013.

ACTION: Motion by Councilmember Kersey, second by Councilmember Cole, to forward to the full Council for approval.

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

Graham

Primary Contact\Phone: Lee Friedman\619-236-7309

Secondary Contact\Phone: David Graham\619-235-5297

City Attorney Contact: Kohut, Ryan P.

- \* ITEM-52: Exemption of an Assistant Director position in Planning, Neighborhoods and Economic Development from the classified service, as approved by the Civil Service Commission on November 7, 2013.

**ITEM DESCRIPTION:**

This action is to exempt one Assistant Director position from the classified service in the Planning, Neighborhoods and Economic Development Department. Under the direction of the Planning Director, this position will be responsible for creating and managing policies, business processes and department practices for the new Planning, Neighborhoods and Economic Development Department; integrating a variety of programs into one cohesive program within the department and providing a strategic and comprehensive approach to community planning.

**STAFF'S RECOMMENDATION:**

Introduce the following ordinance:

(O-2014-70)

Introduction of an Ordinance declaring that the Council has received and reviewed a Memorandum from Personnel Director Hadi Dehghani, dated November 8, 2013, which documents that, on November 7, 2013, the City's Civil Service Commission reviewed and favorably commented on a proposal from the Department Director to exempt from the City's Classified Service one Assistant Director position in the Planning Department to create and manage policies, business processes and department practices for the Department; to integrate a variety of programs into one cohesive program within the Department; and to provide a strategic and comprehensive approach to community planning;

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 Assistant Director position in the Planning Department, performing the duties set forth in the November 8, 2013, Memorandum from Personnel Director Hadi Dehghani to the Honorable Council President and City Council.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

An adjusted personnel expense budget appropriation for FY 2014 was approved by City Council on October 28, 2013, as part of the “Improvement of City of San Diego Governmental Operations” item.

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

On October 28, 2013 (R-308540), the City Council authorized the establishment of the Department of Planning, Neighborhoods, and Economic Development which included a budget appropriation for the Assistant Director position.

Tomlinson/LoMedico

Primary Contact\Phone: Marco Camacho\619-235-5216, MS 413  
Secondary Contact\Phone: William Fulton\619-236-6057, MS 413  
City Attorney Contact: Dawson, Joan F.

- \* ITEM-53: License Agreement between the City of San Diego and San Diego Canyonlands (SDCL) for City Heights Canyons Enhancements and Trails Project. (City Heights Community Area. District 9.)

**ITEM DESCRIPTION:**

License Agreement with the San Diego Canyonlands (SDCL), to provide habitat restoration and enhancement, trail improvements and signage in four canyons and Azalea and Hollywood Parks in City Heights in the undeveloped public right of way (ROW) and on parkland.

**STAFF'S RECOMMENDATION:**

Introduce the following ordinance:

(O-2014-65)

Introduction of an Ordinance authorizing and directing the Council President, in his capacity under Charter Section 265(i), or his designee, to execute, for and on behalf of the City, the License Agreement by and between the City and San Diego Canyonlands (License Agreement);

Authorizing and directing the Mayor, or his representative, to take all necessary actions to secure funding pursuant to the License Agreement, in an amount not to exceed \$20,000, to be placed in a special interest-bearing wasting fund for the purpose of maintenance of all new trail and signage facilities pursuant to the License Agreement;

Authorizing and directing the Chief Financial Officer to create a special interest-bearing wasting fund for the purpose of maintenance of all new trails and signage facilities pursuant to the License Agreement;

Authorizing and directing the Chief Financial Officer to accept, appropriate and expend funds received from SDCL and interest earned on maintenance of all new trail and signage facilities pursuant to the License Agreement.

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

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

The grant requires maintenance of grant-funded improvements for 20 years. San Diego Canyonlands (SDCL) will provide maintenance for the installed trails and signage over a 20-year period after construction including: trimming of vegetation; repair of steps or stairs, repair of areas of erosion resulting from the project and paint out of graffiti.

SDCL will provide \$20,000 for a dedicated maintenance fund for the City to draw from for trails and signage maintenance if SDCL is unable to perform the maintenance. Any funds remaining in the special account at the end of all grant obligations shall be returned to the SDCL. There is the potential that the City may need to step into SDCL's shoes in the event SDCL fails to perform and fund more than \$20,000 but that potential is unknown and the City would have to first budget additional funds. Maintenance following the 20-year grant obligation would be the responsibility of the City, if the City opts to maintain the improvements. Otherwise, the amenities could be removed.

After the 14 acres of habitat restoration for this project is complete and meets the performance criteria set forth in the Scope of Work (approximately May 2016), the City will maintain the habitat and SDCL will continue to implement stewardship programs in these City Heights Canyons to support the City of San Diego in maintenance of these 14 acres for the subsequent 20-year period.

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

This item was heard and approved at the Natural Resources and Culture Committee meeting on November 6, 2013.

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

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

LoMedico/Chadwick

Primary Contact\Phone: Laura Ball\619-685-1301, MS 5D

Secondary Contact\Phone: Chris Zirkle\619-685-1323, MS 5D

City Attorney Contact: Mendoza, Hilda R.

\* ITEM-54: Amendments to Construction and Demolition Debris Diversion Ordinance and Adjustments to Deposit Schedule.

**ITEM DESCRIPTION:**

The Environmental Services Department (ESD) is seeking the approval of Amendments to the Construction and Demolition (C&D) Debris Deposit Ordinance (C&D Ordinance) and revisions to the Deposit Schedule. The proposed changes will make the ordinance more effective, fair, and efficient in achieving the goals of the C&D Ordinance.

**STAFF'S RECOMMENDATION:**

Introduce the following ordinance:

(O-2014-37)

Introduction of an Ordinance amending Chapter 6, Article 6, Division 6, of the San Diego Municipal Code, by amending Sections 66.0601, 66.0606, and 66.0608, all relating to Diversion of Construction and Demolition Debris from Landfill disposal;

This ordinance updates the recycling provisions related to construction and demolition debris by (i) specifying that a mixed construction and demolition debris recycling facility must be operating, within the geographical limits described in the ordinance, in accordance with certain minimum requirements before the diversion rate required by the ordinance may be increased to 75%; and (ii) revising the list of exemptions to include additional exempt activities.

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

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

There is no cost associated with this item. The changes to the Deposit Schedule are anticipated to produce an estimated 32% reduction, over \$3 million annually, in the value of deposits collected, and an estimated 25% reduction in the number of permits subject to the C&D Ordinance.

Forfeited deposits are approximately \$1 million per year and are expected to remain at this level through FY17 due to the number of permits in the system and the amount of time applicants have to request a refund.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

- Natural Resources and Culture Committee, April 13, 2005

The Construction and Demolition (C&D) Debris Diversion Deposit Ordinance was heard by the Natural Resources and Culture Committee on April 13, 2005, and forwarded to full City Council with no recommendations and directed the City Manager to bring forward to Council an alternative Ordinance.

- Natural Resources and Culture Committee, September 5, 2007

The report was heard by the Natural Resources and Culture Committee on September 5, 2007, and returned to the Natural Resources and Culture Committee on October 24, 2007, for action.

- Natural Resources and Culture Committee, October 24, 2007

This item was heard by the Natural Resources and Culture Committee on October 24, 2007, and forwarded to full City Council with directions from the Natural Resources and Culture Committee to include specific guidelines regarding enforcement, in addition to a grace period after the 90 days for enforcement, and to provide a description of the process of appeal to the City Council.

- Natural Resources and Culture Committee, November 6, 2013

This item was heard by the Natural Resources and Culture Committee on November 6, 2013, and forwarded to the full City Council with a recommendation to approve.

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

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

Sierra/Chadwick

Primary Contact\Phone: Meghan Cannis\858-492-5009, MS 1103B

Secondary Contact\Phone: Ken Prue\858-492-5085, MS 1103B

City Attorney Contact: Lowenberg, Grace C.

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

- \* ITEM-55: 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.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 11/5/2013, Item 337. (Council voted 9-0):

(O-2014-51)

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.

\* ITEM-56: Carroll Canyon Road Extension Project - Amendment No. 2 to Cooperative Agreement with Caltrans. (Torrey Pines and Mira Mesa Community Areas. Districts 1 and 6.)

**ITEM DESCRIPTION:**

The Amendment No. 2 to Cooperative Agreement with Caltrans will extend the expiration date of the Agreement from December 31, 2013, until the City and Caltrans have agreed that the scope, cost, and schedule commitments have been met or until five (5) years from the adoption of this Ordinance, whichever is earliest, at no additional cost to the City.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 11/21/2013, Item 607. (Council voted 9-0):

(O-2014-60)

Authorizing the Council President, or his designee, in his capacity under Charter Section 265(i), to execute Amendment No. 2 to the Cooperative Agreement with Caltrans for the purpose of extending the contract completion date in CIP S-00841, Carroll Canyon Road Extension Project at no additional cost to the City.

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

\* ITEM-57: Amendments to the San Diego Municipal Code Section 98.0301(f) regarding Appointments to the San Diego Housing Commission.

**ITEM DESCRIPTION:**

Amend Section 98.0301(f)(3) of the San Diego Municipal Code to state that whenever the Mayor does not appoint a member within forty-five (45) days after a vacancy occurs, the Council shall make the appointment.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 11/21/2013, Item 608. (Council voted 9-0):

(O-2014-54)

Amending Chapter 9, Article 8, Division 3, of the San Diego Municipal Code, by amending Section 98.0301, relating to the San Diego Housing Commission, to provide an alternate method of appointment of members of the San Diego Housing Commission (Commission) in the event the Mayor does not make such appointments when a vacancy occurs. Section 98.0301(f)(3) requires that vacancies on the Commission occurring during a term are to be filled by the Mayor, with the approval of the Council. There is no alternate method of appointment if the Mayor fails to do so, although there is such a method for City commissions created under Charter Section 41. This ordinance will amend Section 98.0301(f)(3) to state that whenever the Mayor does not appoint a member within forty-five (45) days after a vacancy occurs, the Council shall make the appointment.

\* ITEM-58: Annual Master Lease Agreement to Fund Vehicles and Equipment. (Citywide.)

**ITEM DESCRIPTION:**

This action is to authorize the Mayor to enter into a Master Lease Agreement with Banc of America Public Capital Corp (“BAPCC”) in an amount not to exceed \$19.5 million to fund the City’s current General Fund fleet replacement and equipment needs, and in an amount not to exceed \$25.7 million for the refinancing of existing leases.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 11/21/2013, Item 616. (Council voted 9-0):

(O-2014-63)

Authorizing and directing the Chief Operating Officer, the Chief Financial Officer or either of their designees, to execute, for and on behalf of the City of San Diego, a Master Lease Agreement with Banc of America Public Capital Corp (BAPCC) for the purpose of financing the acquisition of essential vehicles and equipment and to refunding existing vehicle and equipment leases. The Master Lease Agreement shall be in substantially the form presented to this Council, with such additions and changes therein as the Chief Operating Officer or Chief Financial Officer, in consultation with the City Attorney, shall approve as being in the best interest of the City; provided however that:

- i. the acquisition cost of new vehicles and equipment financed under the Master Lease Agreement shall not exceed \$19,500,000 and value of existing leases refunded under the Master Lease Agreement shall not exceed \$25,708,000; and
- ii. the interest rate on any such financed vehicles and equipment or refunded leases shall not exceed six percent (6%) annually.

Declaring that the City’s vehicle and equipment needs as described in the Report shall be financed under the Agreement;

Authorizing the Chief Operating Officer or Chief Financial Officer to revise the list of vehicles and equipment to be financed under the Agreement where such changes are in the best interest of the City.

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

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- \* ITEM-100: Change Order No. 1 to As-Needed Construction Contract with SCS Field Services for Emergency Drilling Services at Various City Landfills.

**ITEM DESCRIPTION:**

This action is to increase the total contract amount for the construction contract with SCS Field Services for Emergency Drilling Services at Various City Landfills by \$700,000, and increase the contract duration by 330 calendar days. This will extend the contract until July 20, 2014.

**STAFF'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2014-266)

Authorizing and directing the Council President, in his capacity under Charter Section 265(i), or his designee, to execute Change Order No. 1 to the as-needed construction contract with SCS Field Services for Emergency Drilling Services at Various City Landfills, to increase the contract amount by \$700,000 and extend time for completion of work by 330 calendar days in order to provide landfill gas extraction system improvements including an extension of the landfill gas collection and control system at the West Miramar Landfill, as described in Change Order No. 1;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$700,000 from Fund No. 700040, Disposal Enterprise Fund, CIP S-00774, West Miramar Phase II Landfill Gas System, solely and exclusively, to provide funds for the above Change Order No. 1, contingent on the City Comptroller first furnishing one or more certificates certifying that the funds necessary for this expenditure are, or will be, on deposit in the City Treasury.

Subitem-B: (R-2014-267)

Declaring that the above activity is not a separate project under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15162 because this activity is a subsequent discretionary approval of a project which was adequately addressed in a 2007 Environmental Impact Report, Project Number 122833, Schedule Number 2006051004, which was reviewed and considered by the Planning Director and certified on October 3, 2007, and there is no change in circumstance, additional information, or project changes to warrant additional environmental review.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

Original Contract award totaled \$822,772 from various CIP's all from Fund 700040, Disposal Enterprise Fund. This request is for an additional \$700,000 from CIP S-00774 (West Miramar Phase II Landfill Gas System) from Fund 700040, Disposal Enterprise Fund, for a total contract amount of \$1,522,772.

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

This item was heard at the Natural Resources and Culture Committee meeting on November 6, 2013, and forwarded to the full City Council with a recommendation to approve.

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

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

Sierra/Chadwick

Primary Contact\Phone: Stephen Grealy\858-573-1275

Secondary Contact\Phone: Ray Purtee\858-573-1208

City Attorney Contact: Lowenberg, Grace C.

\* ITEM-101: Authorize an Agreement with Helix Environmental Planning, Inc., for Professional Environmental Services (H135999).

**ITEM DESCRIPTION:**

This item will authorize a five-year Agreement with Helix Environmental Planning, Inc. (Helix) for professional environmental consulting services to support the Transportation & Storm Water Department's (T&SWD) operations and maintenance activities, including anticipated channel maintenance activities proposed under the Master Storm Water System Maintenance Program (Master Maintenance Program) and associated Programmatic Environmental Impact Report (PEIR). This Agreement will support the T&SW's efforts to comply with the environmental regulations of several federal, state and local agencies; and adapt and optimize its monitoring and reporting requirements in accordance with changing environmental regulations.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2014-281)

Authorizing the Council President, in his capacity under Charter Section 265(i), or his designee, to execute a five-year Agreement with Helix Environmental Planning, Inc., for As-Needed Professional Environmental Services No. H135999, for an amount not to exceed \$7,500,000, under the terms and conditions set forth in the Agreement;

Authorizing the Transportation and Storm Water Department to expend an amount not to exceed \$700,000 from its Fiscal Year 2014 Operating Budget for services under the Agreement, contingent upon the Chief Financial Officer demonstrating that funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the Chief Financial Officer to expend a total amount not to exceed \$6,800,000 from the Transportation and Storm Water Operating Fund for Fiscal Years 2015 through 2019, for services under the Agreement, contingent on the City Council's approval of the Fiscal Years 2015 through 2019 Appropriation Ordinances, and the Chief Financial Officer certifying that the funds are, or will be, on deposit with the City Treasurer.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

The approval of this item will authorize an expenditure of \$700,000 in the T&SWD's FY 2014 General Fund operating budget. Funds in Fiscal Year 2014 have been identified and budgeted for this purpose. Funds will be budgeted by the T&SWD's Storm Water Division for future Fiscal Years 2015–2019 based on project needs, and expended subsequent to Council adoption of the corresponding years' Appropriation Ordinances, and upon the Chief Financial Officer furnishing one or more certificates.

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

This item was heard at the Natural Resources and Culture Committee meeting on November 6, 2013.

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

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

Sturdevan/Chadwick

Primary Contact\Phone: Anne Jarque\619-527-3131, MS 44  
Secondary Contact\Phone: Gus Brown\619-527-7506, MS 44  
City Attorney Contact: Stroud, Heather L.

\* ITEM-102: State Route 11 Cooperative and Utility Agreements between Caltrans and City of San Diego. (Otay Mesa East Community Area. Districts 8.)

**ITEM DESCRIPTION:**

Caltrans will be constructing new freeway connectors for State Route 11 within Otay Mesa East. This action will provide Caltrans with required Right-Of-Way and authorization for relocation of existing City utilities within the proposed alignment of the freeway. A Freeway Cooperative Agreement and Freeway Maintenance Agreement is currently being developed between Caltrans and the City of San Diego and will be brought before Council for review and approval. Inspection services provided by the City for work related to the relocation of City sewer facilities will be reimbursed by Caltrans.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2014-260)

Authorizing the Council President, or his designee, in his capacity under Charter Section 265(i), to execute, for and on behalf of the City, a Cooperative Agreement with Caltrans for the construction of State Route 11;

Authorizing the Council President, or his designee, in his capacity under Charter Section 265(i), to provide a Quit Claim Deed, related to the drainage facility, to the State of California for Parcel R/W 34803-A and 34805-A as depicted on Exhibit A and Exhibit B of the Quit Claim Deed to the State of California for the construction of State Route 11;

Authorizing the Council President, or his designee, in his capacity under Charter Section 265(i), to provide a Grant Deed related to the sewer facility, to the State of California for Parcel R/W 34803-1,-2,-3,-4,-5,-6,-7 & -8 as depicted on Exhibit A of the Grant Deed to the State of California for the construction of State Route 11;

Authorizing the Council President, or his designee, in his capacity under Charter Section 265(i), to enter into, for and on behalf of the City, a Reimbursement Utility Agreement No. 33578 with Caltrans, in the amount not to exceed \$50,000, from Sewer Fund 700008, A-JA.00001 Sewer Main Replacement (B-13231 Caltrans SR-11 Sewer Relocation Project), for City staff costs to perform inspection services related to the relocation of sewer facilities, funds to be fully reimbursed by Caltrans;

Authorizing the Chief Financial Officer to expend funds not to exceed \$50,000 from A-JA.00001 Sewer Main Replacement (B-13231 Caltrans SR-11 Sewer Relocation Project), Sewer Fund 700008, per the terms of the Utility Agreement No. 33578, contingent upon the City Comptroller furnishing a certificate that funds necessary for the expenditure are, or will be, on deposit with the City Treasurer.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

\$50,000, which will be reimbursed by Caltrans, is needed to fund in-house construction inspection costs for work related to sewer facility relocation.

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

This item was heard at the Natural Resources and Culture Committee meeting on October 16, 2013, and forwarded to the full City 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: 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: Authorize an Agreement with Weston Solutions for Storm Water Monitoring and Reporting Management Services (H135955).

**ITEM DESCRIPTION:**

This item will authorize a five-year Agreement with Weston Solutions, for consulting service to support and manage the City's storm water monitoring and reporting functions. This Agreement will support the Storm Water Division's efforts to adapt and optimize its monitoring and reporting requirements under several changing regulatory requirements, and improve the use of the data collected under several programs to adaptively manage its storm water program.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2014-175)

Authorizing the Council President, in his capacity under Charter Section 265(i), or his designee, to execute a five-year Agreement with Weston Solutions for Storm Water Monitoring and Reporting Management Services No. H135955, for an amount not to exceed \$495,000, under the terms and conditions set forth in the Agreement;

Authorizing the Transportation and Storm Water Department to expend an amount not to exceed \$90,000 from its Fiscal Year 2014 Operating Budget for services under the Agreement, contingent upon the Chief Financial Officer demonstrating that funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the Chief Financial Officer to expend a total amount not to exceed \$405,000 from the Transportation and Storm Water Operating Fund for Fiscal Years 2015 through 2019, for services under the Agreement, contingent on the City Council's approval of the Fiscal Years 2015 through 2019 Appropriation Ordinances, and the Chief Financial Officer certifying that the funds are, or will be, on deposit with the City Treasurer.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

The approval of this item will authorize an expenditure of \$90,000 in the Transportation and Storm Water Department FY 2014 General Fund Operating Budget. Funds in Fiscal Year 2014 have been identified and budgeted for this purpose. The remaining \$405,000 of expenditures under this Agreement will be distributed in approximately equal increments over the remaining four and a half fiscal years of the Agreements duration. Funds will be budgeted by the Storm Water Division for future Fiscal Years 2015-2019, and expended subsequent to Council adoption of the corresponding years' Appropriation Ordinance, and upon the Chief Financial Officer furnishing one or more certifications that funds are available.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION :

This item was heard at the Natural Resources and Culture Committee meeting on November 6, 2013, and forwarded to the full City Council with a recommendation to approve.

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

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

McFadden/Chadwick

Primary Contact\Phone: Andre Sonksen\858-541-4317, MS 1900

Secondary Contact\Phone: Kris McFadden\858-541-4320, MS 1900

City Attorney Contact: Stroud, Heather L.

\* ITEM-104: Academy of Our Lady of Peace House Relocation. (Greater North Park Community Area. District 3.)

**ITEM DESCRIPTION:**

City Council approval is requested to increase the adopted CIP budget by \$1,500,000 for the Annual Allocation for City Facilities Improvements for the Our Lady of Peace House Relocation.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2014-329)

Authorizing the Chief Financial Officer in accordance with the Annual Appropriation Ordinance, to increase the Fiscal Year 2014 Capital Improvements Program Budget in WBS No. A-BT.00001, Annual Allocation - City Facilities Improvements, for the (Academy of Our Lady of Peace House Relocation) project by an amount not to exceed \$1,500,000;

Authorizing the appropriation and expenditure of an amount not to exceed \$1,500,000 from Fund 400002, Capital Outlay, solely and exclusively, for the purpose of providing funds in WBS No. A-BT.00001, Annual Allocation - City Facilities Improvements, for the (Academy of Our Lady of Peace House Relocation) project, provided that the Chief Financial Officer first furnishes one or more certificates certifying that the funds necessary for expenditures are, or will be, on deposit with the City Treasurer;

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

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

This action will increase the adopted Capital Improvements Program Budget by \$1,500,000 in WBS No. A-BT.00001, Annual Allocation - City Facilities Improvements. The total estimated cost of the project is \$1,500,000. The \$1,500,000 being used for the movement of these homes is coming from the earmarked Capital Outlay funds that were set aside for the FY16 Bond Principal payment, and proceeds from the sale of these homes will replenish the used Capital Outlay funds; and if for some reason the proceeds from the sale can't cover the use, new funding sources will need to be identified. If the City is found to be out of compliance, the court may order any relief within its discretion, including attorney's fees and/or costs incurred. \$200,000 of General Fund CIP Contributions, Fund No. 400265, will be used to start the relocation process more efficiently in advance of the availability of the Capital Outlay funds. The \$200,000 of General Fund CIP Contributions funds used will be reimbursed by the Capital Outlay fund. Previous to this action, \$500,000 was paid to the Academy of Our Lady of Peace as part of the Consent Decree.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

- On March 8, 2013, Council approved Resolution R-308118 authorizing the sum of \$500,000 to be paid from the Public Liability Fund 720045 in full compliance with the Consent Decree.
- On February 2, 2013, a settlement was approved by Council by vote of 6-2-1, Districts 1 and 3 voting nay, District 9 vacant.

Nagelvoort/LoMedico

Primary Contact\Phone: Nikki Lewis\619-533-6653, MS 908A

Secondary Contact\Phone: Darren Greenhalgh\619-533-3616, MS 908A

City Attorney Contact: Mercer, Mark M.

\* ITEM-105: Community Projects, Programs, and Services Funding Allocation to Mt. Erie Community Partners for Mt. Erie Freedom School. (District 4.)

**ITEM DESCRIPTION:**

Approval of the funding allocation from Council District 4, along with authorization from the City Council are requested to allow the Mayor, or his designee, to enter into an Agreement with Mt. Erie Community Partners for an amount not to exceed \$35,000, for Mt. Erie Freedom School.

**COUNCILMEMBER COLE'S RECOMMENDATION:**

Adopt the following resolution:

(R-2014-314)

Declaring that the allocation described herein is made for a public purpose;

Waiving Council Policy 100-06, 3(g), which provides: "An organization may not apply to receive funding for an event or program which has already occurred, nor any capital improvement, goods, supplies, materials, or equipment which have already been purchased;"

Authorizing and directing the Council President, in his capacity under Charter Section 265(i), or his designee, to execute, for and on behalf of the City, an Agreement with Mt. Erie Community Partners in an amount not to exceed \$35,000 for the project described herein, under the terms and conditions set forth in the Agreement;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$35,000 from the Community Projects, Programs and Services Budget Fund No. 100000, Cost Center 1104110004, to provide funds for the above-referenced Agreement, 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 in the City Treasury.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

\$35,000 in Community Projects, Programs and Services Funding from Fund No. 100000, Cost Center No. 1104110004, will be used for Mt. Erie Freedom School.

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

Slack

Primary Contact\Phone: Liezl Mangonon\619-236-7179

Secondary Contact\Phone: Jimmie Slack\619-236-7015

City Attorney Contact: Bradley, Catherine M.

\* ITEM-106: Ted Williams Parkway Overcrossing at Shoal Creek Drive - Transfer of Funds.  
(Carmel Mountain Ranch Community Area. District 5.)

**ITEM DESCRIPTION:**

This action is to transfer \$500,000 in excess funds from Aldine Drive and Fairmount Drive Slope Restoration Project into the Ted Williams Parkway Overcrossing at Shoal Creek Drive Project for the removal of the subsurface granitic rock. During construction of the project, the contractor provided notice to City of unforeseen subsurface granitic rock discovered during the excavation of the bridge foundation. Removal of the subsurface granitic rock is required in order to construct the bridge foundations and the retaining walls on the south side, which is estimated to cost \$500,000.

**STAFF'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2014-317)

Authorizing the Chief Financial Officer to transfer appropriations of an amount not to exceed \$500,000 from CIP S-00865, Aldine Drive and Fairmount Drive Slope Restoration, to CIP S-00941, Ted Williams Parkway Overcrossing at Shoal Creek Drive, within Fund 400169, TransNet Extension 70% Congestion Relief, for the purpose of construction.

Subitem-B: (R-2014-328)

Declaring that the transfer of funds from the Aldine Drive and Fairmount Drive Slope Restoration Project to the Ted Williams Parkway Overcrossing at Shoal Creek Drive Project is categorically exempt from California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines, Sections 15301 and 15303;

Determining that an exception to the exemption as set forth in California Environmental Quality Act (CEQA) Guidelines Section 15300.2 does not apply.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

The required funds for this action in an amount not to exceed \$500,000 are available in CIP S-00865, Aldine Drive and Fairmount Drive Slope Restoration Project, Fund 400169, TransNet Extension 70% Congestion Relief.

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

- Resolution R-307627 dated July 31, 2012, authorizing the approval of plans and specifications, the award and execution of the construction contract, and taking other actions related to the Ted Williams Parkway Overcrossing at Shoal Creek Drive.
  
- The Infrastructure Committee reviewed and approved this item on November 18, 2013.

**ACTION:** Motion by Vice-Chair Cole, second by Councilmember Sherman, to forward staff recommendations to City Council.

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

Heinrichs/Chadwick

Primary Contact\Phone: Marnell Gibson\619-533-5213, MS 908A  
Secondary Contact\Phone: Abi Palaseyed\619-533-4654, MS 908A  
City Attorney Contact: Gerrity, Ryan P.

\* ITEM-107: Hillery Drive Improvements - Amendment No. 1 to Cooperative Agreement with Caltrans. (Mira Mesa Community Area. District 6.)

**ITEM DESCRIPTION:**

Authorize the execution of Amendment No. 1 to Cooperative Agreement with Caltrans for Hillery Drive Improvements Project. The Hillery Drive Improvements Project will provide for the widening of Hillery Drive between Black Mountain Road and Westview Parkway and traffic calming on adjacent streets as required in the Cooperative Agreement with Caltrans.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2014-237)

Authorizing the Council President, or his designee, in his capacity under Charter Section 265(i), to execute, for and on behalf of the City, Amendment No. 1 to the Cooperative Agreement with Caltrans, for the purposes of providing additional time for design and construction of CIP S-11064, Hillery Drive Improvements Project at no additional cost to the City;

Stating for the record that the Final Mitigated Negative Declaration No. 222562 (Hillery Drive Road Widening), dated March 27, 2013, has been reviewed and considered prior to approving the project;

Directing the City Clerk to file the Notice of Determination.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

This request is for a time extension, at no additional cost to the project. The cost of the Project is \$2,500,000 and is available in CIP S-11064, Hillery Drive Improvements.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

- Resolution No. R-306589 dated February 14, 2011, authorized the Cooperative Agreement with Caltrans.
- Infrastructure Committee reviewed and approved this item on October 28, 2013.

ACTION: Motion by Councilmember Emerald, second by Vice-Chair Cole, to approve.

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

Nagelvoort/Chadwick

Primary Contact\Phone: Marnell Gibson\619-533-5213, MS 908A  
Secondary Contact\Phone: Abi Palaseyed\619-533-4654, MS 908A  
City Attorney Contact: Gerrity, Ryan P.

- \* ITEM-108: Ratifying Public Works Sole Source Emergency Repair Contracts for the following projects: University City Sinkhole Repairs, Harbor Drive 48” Trunk Sewer Emergency Manhole Replacement, and Qualcomm Stadium Emergency Concrete Repairs. (University, Mission Valley, and Barrio Logan Community Areas. Districts 1, 6, and 8.)

**ITEM DESCRIPTION:**

This action is to ratify three Public Works emergency repair contracts necessary to immediately address infrastructure work. In FY12, Cass Construction conducted the University City Sinkhole Emergency Repairs in the amount of \$498,271.80. Orion Construction Corporation conducted the Harbor Drive 48” Trunk Sewer Emergency Manhole Replacement in the amount of \$2,934,803.34. In FY13 Hazard Construction conducted Qualcomm Stadium Emergency Concrete Repairs in the amount of \$620,000. Additional repairs in the amount \$53,000 will be conducted in FY14 for a total construction cost of \$673,000.

**STAFF'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2014-304)

Ratifying the Sole Source Contract awarded to Cass Construction for construction services to remedy the sinkhole on Campus Point Drive in University City, in the amount of \$498,271.80;

Authorizing the Chief Financial Officer to appropriate and expend an amount not to exceed \$498,271.80 from CIP A-CA.00001, Drainage Projects (B-12039, University City Sinkhole Emergency Repairs).

**NOTE: 6 votes required pursuant to Section 22.3108(a) of the San Diego Municipal Code.** (Rev. 12/9/13)

Subitem-B: (R-2014-302)

Ratifying the Sole Source Contract awarded to Orion Construction Corporation for construction services to remedy the Harbor Drive emergency situation discovered March 16, 2012, in the amount of \$2,934,803.34;

Authorizing the Chief Financial Officer to appropriate and expend an amount not to exceed \$2,934,803.34 from CIP A-JA.00003, Unscheduled Projects (B-12088, Harbor Drive 48” Trunk Sewer Emergency Manhole Replacement).

**NOTE: 6 votes required pursuant to Section 22.3108(a) of the San Diego Municipal Code.** (Rev. 12/9/13)

Subitem-C: (R-2014-303)

Ratifying the Sole Source Contract awarded to Hazard Construction for construction services to remedy the spalling and deteriorated concrete at Qualcomm Stadium, in the amount of \$673,000;

Authorizing the Chief Financial Officer to appropriate and expend an amount not to exceed \$673,000 from CIP A-BG.00001, Qualcomm Stadium (B-13091, Qualcomm Stadium Emergency Concrete Repairs), for the aforementioned contract, provided that the Chief Financial Officer first furnishes one or more certificates demonstrating that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

**NOTE: 6 votes required pursuant to Section 22.3108(a) of the San Diego Municipal Code. (Rev. 12/9/13)**

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

The total construction cost for the University City Sinkhole Emergency repairs was \$498,271.80 and was expended from CIP A-CA.00001, Drainage Projects, (B-12039, University City Sinkhole Emergency Repairs), Fund 400624, Deferred Maintenance.

The total construction cost for the Harbor Drive 48” Trunk Sewer Collapsed Manhole Emergency Replacement was \$2,934,803.34 and was expended from CIP A-JA.00003, Unscheduled Projects, (B-12088, Harbor Drive 48” Trunk Sewer Emergency Manhole Replacement), Fund 700008, Sewer.

The total construction cost for the Qualcomm Stadium Emergency Concrete Repairs is \$673,000 of which \$620,000 was expended/encumbered in FY13 from CIP A.BG-00001, Qualcomm Stadium (B-13091, Qualcomm Stadium Emergency Concrete Repairs), Fund 200116, Qualcomm Stadium Oper-CIP. The remainder \$53,000 will be expended/encumbered in FY14.

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

This action was heard at the Infrastructure Committee meeting on October 28, 2013, and forwarded to the full Council with a recommendation to approve.

**ACTION:** Motion by Councilmember Emerald , second by Vice-Chair Cole, to approve.

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

Nagelvoort/Chadwick

Primary Contact\Phone: Darren Greenhalgh\619-533-3616  
Secondary Contact\Phone: Jim Shamloufard\619-533-3160  
City Attorney Contact: Jung, Jeremy A.

\* ITEM-109: Ratification of contract with South Bay Fence Inc. (Bid Number 10013916-11-P) for fence installation and maintenance services.

**ITEM DESCRIPTION:**

This action would authorize the continuation of the contract with South Bay Fence Inc., for the purpose of providing Citywide chain link fence installation, repairs and parts services (Bid Number 10013916-11-P) in an amount not to exceed \$3,412,378 over a period of five years beginning in February 14, 2011 and ending in February 15, 2016. Temporary and permanent chain link fence provides for security of City buildings, equipment and other assets. It also helps protect turf and other park areas during times of turf renovation and repair.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2014-250)

Declaring that the contract between the City and South Bay Fence Inc., for the purpose of providing Citywide chain link fence installation, repairs and parts services (Bid Number 10013916-11-P) is ratified to exceed \$1,000,000, pursuant to San Diego Municipal Code Section 22.3211(d);

Authorizing the Chief Financial Officer to expend an amount not to exceed \$813,500 in Fiscal Year 2014;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$854,175 in Fiscal Year 2015, contingent upon adoption of the Fiscal Year 2015 Annual Budget Appropriation Ordinance;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$896,884 in Fiscal Year 2016, contingent upon adoption of the of the Fiscal Year 2016 Annual Budget Appropriation Ordinance.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

The total five-year cost of this fence services contract is projected to be \$3,412,378 throughout the City, of which \$2,443,630 (or 72%) is to be funded by the General Fund over the anticipated maximum five-year contract term. Funding in the amount of \$813,500 is available from the ten funding sources listed in Attachment 1 in Fiscal Year 2014. Additional funds for future expenditures are contingent upon approval of the annual district budget and Appropriation Ordinance.

Any unspent funds below the total value of the contracts will be unencumbered and returned to the contributing fund's balance at the end of each fiscal year. If additional funds are needed for significant unforeseen needs, including emergencies such as major storms or if future budgets allocate more resources toward fence installation and maintenance services in the future, staff will return to the City Council for additional funding authorization beyond what is projected here.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

This item was heard at the Budget and Finance Committee meeting on October 30, 2013, and forwarded to the full City Council with a recommendation to approve.

**ACTION:** Motion by Council President Pro Tem Lightner, second by Councilmember Faulconer, to recommend approval of staff's recommendation.

**VOTE:** 4-0; Gloria-not present, Alvarez-yea, Lightner-yea, Faulconer-yea, Kersey-yea.

LoMedico/Chadwick

Primary Contact\Phone: Kathy Ruiz\619-221-8910, MS 32

Secondary Contact\Phone: Shelly Stowell\619-221-8917

City Attorney Contact: Vacchi, Robert A.

\* ITEM-110: Accepting Funds for Bus Stop Improvements. (Citywide.)

**ITEM DESCRIPTION:**

The City receives a portion of the revenues from advertising on bus benches and bus shelters on City streets through a program administered by the San Diego Metropolitan Transit System (MTS). The action authorizes expenditure of an additional \$27,192 for street capital improvements near bus stops.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2014-279)

Amending the FY 2014 Capital Improvements Program Budget to increase the budget for CIP A-ID.00007, Annual Allocation - Bus Stop Improvements, Fund 400691 Bus Stop Capital Improvements, by \$27,192;

Authorizing the Chief Financial Officer to appropriate and expend an amount not to exceed \$27,192 from CIP A-ID.00007, Annual Allocation - Bus Stop Improvements, Fund 400691 Bus Stop Capital Improvements, for the purpose of capital improvements in support of bus stops.

**STAFF SUPPORTING INFORMATION**

**FISCAL CONSIDERATIONS:**

This action authorizes the expenditure of \$27,192.00 for capital improvements in support of bus stops. The revenue is from advertising on bus benches and shelters.

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

This item was heard at the Budget and Finance Committee meeting on October 30, 2013, and forwarded to the full City Council with a recommendation to approve.

**ACTION:** Motion by Council President Pro Tem Lightner, second by Councilmember Kersey, to recommend approval of staff's recommendation.

**VOTE:** 4-0; Gloria-not present, Alvarez-yea, Lightner-yea, Faulconer-yea, Kersey-yea.

McFadden/Chadwick

Primary Contact\Phone: Stephen Celniker\619-533-3611, MS 609  
Secondary Contact\Phone: Linda Marabian\619-533-3082, MS 609  
City Attorney Contact: Gerrity, Ryan P.

- \* ITEM-111: 25-year Easement Renewal for Public Utilities Department Water Facilities located at Naval Base Point Loma, San Diego. (Point Loma Community Area. District 2.)

**ITEM DESCRIPTION:**

The City of San Diego Public Utilities Department maintains a facility located on Navy property that provides water to the Point Loma Wastewater Treatment Plant (treatment plant) complex. The facility consists of an above ground water tank that provides potable water to the treatment plant, and an underground tank that provides industrial water to the treatment plant. The original 50-year easement for this facility expires January 2014. The Navy is willing to grant a new 25-year easement to the City.

**STAFF'S RECOMMENDATION:**

Adopt the following resolutions: (Rev. 12/5/13)

Subitem-A: (R-2014-258)

Authorizing and directing the Council President, in his capacity under Charter Section 265(i), or his designee, to accept a 25-year Grant of Easement executed by the United States of America, Naval Facilities Engineering Command Southwest, over that portion of the United States of America, Department of the Navy, U.S. Military Reservation located within Point Loma, in the County of San Diego, State of California, according to Miscellaneous Map No. 129, filed in the Office of the County Recorder of said San Diego County on April 16, 1934, as more particularly described in said Grant of Easement;

Authorizing the Chief Financial Officer to expend \$741,000 from Fund 700001 (Wastewater Treatment and Disposal Division Metropolitan Fund) for the 25-year Grant of Easement from the United States of America for the Public Utilities water tanks and pipelines located on the Navy Base in Point Loma.

Subitem-B: (R-2014-368) (Rev. 12/5/13)

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 requested authorization to accept a Grant of Easement from the Navy and expend \$741,000 as compensation for the easement, and has determined that said activity is categorically exempt from California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15301, and that an exception to the exemption as set forth in CEQA Guidelines Section 15300.2, does not apply. (Rev. 12/5/13)

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

\$741,000 from Fund 700001 (Wastewater Treatment and Disposal Division Metropolitan Fund) for a one-time 25-year easement renewal.

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

This item was heard at the Land Use and Housing Committee meeting on October 23, 2013, and forwarded to the full City Council with a recommendation to approve.

**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: April McCusker\619-236-6987

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

City Attorney Contact: Bevier, Debra J.

\* ITEM-112: Land Exchange for Carmel Valley Road Enhancements. (Carmel Valley Community Areas. District 1.)

**ITEM DESCRIPTION:**

The Carmel Valley Road Enhancement Project, which was completed under a right-of-entry permit by the City in May 2008, has resulted in the improvement of a 1.2 mile stretch of Carmel Valley road extending from Sorrento Valley Road west/northwesterly to the Del Mar City limits. As part of the Project, the City needed to acquire six individual drainage easements and two street dedication areas from the adjacent Torrey Pines dedicated State Park. In order to accomplish the acquisition of dedicated state park land it was proposed that 1.06 acres of adjacent Torrey Pines Lagoon designated open space be exchanged for the 0.66 acres of state land.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2014-338)

Authorizing the Mayor, or his designee, to execute a Land Exchange Agreement with the State of California to transfer fee interest in that certain City-owned 1.06 acres of real property, more particularly identified and described as "Parcel A" on APN 301-161-03 in Attachment 1, in exchange for six permanent individual easements and fee interest in approximately .66 acres of certain State-owned real property adjacent to Carmel Valley Road in the Torrey Pines State Natural Reserve, as further identified and described as separate Parcels "A" through "H," inclusive, in Attachment I, and upon terms and conditions consistent herewith and otherwise in the City's best interests for completion of the Carmel Valley Road Enhancement Project;

Authorizing the Mayor, 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 certain State-owned real property to be exchanged with the City, totaling .5774 acres, and more particularly identified and described as "Parcel B" on APN 301-130-01 in Attachment 1, is, upon transfer of fee title to City, accepted and dedicated as a public street, and named Carmel Valley Road;

Declaring that certain real property owned by the City, totaling 4.087 acres, conveyed to the City pursuant to Document No. 1986-595011, recorded on December 19, 1986 O.R., and more particularly identified and described as "Parcel H" on APN 301-150-03 and 301-161-04 in Attachment 1, is accepted and dedicated as a public street, and named Carmel Valley Road.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

The City will not be expending any funds for the property required for the project, instead there will be a property exchange. Any funds to be expended for title and escrow have already been approved for the project via R-301363.

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

This item was heard at the Land Use and Housing Committee meeting on November 20, 2013, and forwarded to the full City Council with a recommendation to approve.

**ACTION:** Motion by Council President Pro Tem Lightner, second by Councilmember Cole, to approve.

**VOTE:** 3-0; Zapf-yea, Lightner-yea, Cole-yea, Alvarez-absent.

Barwick/Chadwick

Primary Contact\Phone: Lane MacKenzie\619-236-6050  
Secondary Contact\Phone: April McCusker\619-236-6987  
City Attorney Contact: Fonseca, Jeremy A.

\* ITEM-113: California Department of Resources Recycling and Recovery (CalRecycle) Tire Recycling Grants.

**ITEM DESCRIPTION:**

This action is to seek grant funding from California Department of Conservation (CalRecycle) for three different tire recycling grants. These grants will help fund proposed projects that use 100 percent recycled, California generated, waste tires in three project types. These projects will be a partnership between the City of San Diego Environmental Services Department (ESD), Street Division and Parks and Recreation.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2014-273)

Authorizing and directing the Council President, in his capacity under Charter Section 265(i), or his designee, to apply for, negotiate and execute agreements for, and accept grants funds from the California Department of Resources Recycling and Recovery (CalRecycle) with one to five-year terms for grants for the use of rubberized pavement, tire-derived aggregate, and tire-derived products for FY14 through and including FY16;

Authorizing the Chief Financial Officer to appropriate and expend grant funds from CalRecycle for purposes of the above-described grants, contingent upon securing of the grant funding and contingent upon receiving a fully executed grant agreement;

Designating the Environmental Services Director, or Deputy Director, to conduct all grant negotiations and execute all CalRecycle grant documents including, but not limited to, applications, agreements, amendments, and payment requests which may be necessary to secure grant funding and to carry out and administer the City's obligations, responsibilities, and duties under the terms and conditions of the grant(s) obtained during FY14 through and including FY16;

Authorizing the City Comptroller to establish a separate fund to track expenditures and receive grant-related reimbursements for eligible expenditures.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

Environmental Services Department (ESD) is eligible to apply for CalRecycle funded grants once per year per grant, annually, pursuant to Sections 42872 and 42873 of the Public Resources Code and up to the following maximums per grant: \$250,000 for the Rubberized Pavement grant; \$350,000 for the Tire-Derived Aggregate (TDA) grant; and \$150,000 for the Tire-Derived Product (TDP) grant. There are no matching requirements for these grants per City's A.R. 1.80. These grants only cover the cost of materials. Materials for certain projects will be used by both staff and contractors depending on the type of project.

Funds for materials will be made available to the appropriate City department based on the grant. For instance, the Tire Rubberized Pavement (TRP) grant is for paving streets, in which case that type of material would only be available to Streets Division who may choose to use the material with a larger street paving project in which they would account for the labor to install that material.

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

Gonaver/Chadwick

Primary Contact\Phone: Meghan Cannis\858-492-5009

Secondary Contact\Phone: Ken Prue\858-492-5085

City Attorney Contact: Lowenberg, Grace C.

\* ITEM-114: Grant of Underground Utility Easement to SDG&E for Smart City San Diego Project at the San Diego Zoo. (Balboa Park Community Area. District 3.)

**ITEM DESCRIPTION:**

The Smart City San Diego Project at the San Diego Zoo installed state-of-the-art solar canopies in the Zoo parking lot to allow visitors to the San Diego Zoo to charge their electric vehicles. The project required underground electric to be brought to the solar canopies. Due to the timing of the project, SDG&E was permitted to install the needed underground electric utility under a Right of Entry permit with the intention of an easement being granted within one year. This action will grant an easement to SDG&E for the installation of underground electric facilities to provide electrical service to the Smart City San Diego Project at the San Diego Zoo.

**STAFF'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2014-308)

Authorizing and directing the Council President, in his capacity under Charter Section 265(i), or his designee, to execute an Easement Deed in favor of San Diego Gas & Electric Company, at no cost, for the installation of an underground electrical service line for the transmission and distribution of electricity and related purposes, affecting those portions of the Pueblo Lots 1130 and 1136, according to Miscellaneous Map thereof No. 36 (also being a portion of Balboa Park), filed in the Office of the County Recorder of San Diego County November 14, 1921, in the City of San Diego, County of San Diego, State of California.

Subitem-B: (R-2014-309)

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 grant an easement to San Diego Gas & Electric Company so that San Diego Gas & Electric Company can provide electrical service for the Smart City San Diego Project at the San Diego Zoo, and has determined that said activity is categorically exempt from California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15301 (Existing Facilities) and 15304 (Minor Alterations to Land), and that an exception to the exemption as set forth in CEQA Guidelines Section 15300.2 does not apply.

**STAFF SUPPORTING INFORMATION:**

FISCAL CONSIDERATIONS: None.

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

Presented as an informational item at the Balboa Park Committee on September 6, 2012.

This item was heard at the Land Use and Housing Committee meeting on November 20, 2013, and forwarded to the full Council with a recommendation to approve.

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

**VOTE:** 3-0; Zapf-yea, Lightner-yea, Cole-yea, Alvarez-absent.

Barwick/Chadwick

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

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

City Attorney Contact: Bevier, Debra J.

- \* ITEM-115: Settlement of Pre-litigation Subrogation Claim filed by Travelers Property Casualty Company of America on behalf of Jain Malkin and Jain Malkin, Inc. (Bay Ho Community Area. District 2.)

**ITEM DESCRIPTION:**

Settlement of pre-litigation subrogation claim filed by Travelers Property Casualty Company of America on behalf of Jain Malkin and Jain Malkin, Inc., for damages caused due to a water main break in the 5,000 block of Santa Fe Street on August 11, 2010.

**CITY ATTORNEY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2014-221)

Authorizing and directing the Council President, in his capacity under Charter Section 256(i), or his designee, to pay the sum of \$535,000 from the Water Utility Operating Fund 700011, in settlement of each and every claim for damages, interest, costs and fees of any type, including but not limited to attorney fees, against the City its agents and employees, arising from the pre-litigation subrogation claim filed by the Travelers Property Casualty Company of America on behalf of Jain Malkin and Jain Malkin, Inc.;

Authorizing the Chief Financial Officer to expend the amount of \$535,000 from the Water Utility Operating Fund 700011, contingent upon the Chief Financial Officer first furnishing one or more certificates certifying that the funds necessary for this expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the City Comptroller to issue one check in the sum of \$535,000 made payable to the Travelers Property Casualty Company of America.

**SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

Settlement will be paid from the Water Utility Operating Fund 700011 in the amount of \$535,000.

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

The item was considered in Closed Session on September 24, 2013. Settlement was unanimously approved by the following votes: Yeas - Districts 1, 2, 3, 4, 5, 6, 7, 8, and 9; Nays - None.

Jones

Primary Contact\City Attorney\Phone: David J. Karlin\619-533-5816

Secondary Contact\Phone: James Coldren\619-236-5598

\* ITEM-116: Settlement of personal injury claim of Jane Roe resulting from an arrest, Risk Management File No. iVOS 6037.

**ITEM DESCRIPTION:**

This is a complaint for personal injuries suffered by Jane Roe as the result of arrest by Anthony Arevalos. The proposed settlement would resolve all claims brought by Jane Roe.

**CITY ATTORNEY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2014-183)

Authorizing the Mayor, or his designee, to pay the sum of \$795,000 from the Public Liability Fund 720045, in settlement of each and every claim for damages, interest, costs, and fees of any type, including attorney fees, against the City of San Diego, its agents and employees, Chief William Lansdowne and Kevin Friedman, arising from the personal injury claim of Jane Roe, United States District Court Case No. 12cv0243 W (WVG);

Authorizing the Chief Financial Officer to expend \$795,000 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;

Authorizing the City Comptroller to issue a check in the amount of \$795,000, made payable to the Law Offices of Mary Frances Prevost.

**SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

Settlement in the amount of \$795,000 will be paid from the Public Liability Fund 720045.

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

The item was considered in Closed Session on July 10, 2012, September 18, 2012, and September 17, 2013.

Jones

Primary Contact\City Attorney\Phone: Keith W. Phillips\619-236-6695

\* ITEM-117: Settlement of personal injury claim of Shirley Louise Baier, Risk Management File No. 6275.

**ITEM DESCRIPTION:**

This is a complaint for personal injuries suffered by Shirley Louise Baier as the result of a motor vehicle accident. The proposed settlement would resolve all claims brought by Shirley Louise Baier.

**CITY ATTORNEY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2014-297)

Authorizing the sum of \$310,000 to be paid from the Public Liability Fund No. 720045 in settlement of each and every claim for damages, interest, costs and fees of any type, including attorney fees, against the City of San Diego, its agents and employees, and Sharon Marie Smyth arising from the Litigation;

Authorizing the Chief Financial Officer to appropriate and expend \$310,000 from the Public Liability Fund, 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;

Authorizing the City Comptroller to issue a check in the amount of \$310,000 payable to Deon Goldschmidt Attorneys APC IOLTA account and Shirley Baier.

**SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

Settlement will be paid from the Public Liability Fund No. 720045.

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

The item was considered in Closed Session on October 29, 2013.

Jones

Primary\City Attorney Contact\Phone: Catherine L. Turner\619-533-6486

\* ITEM-118: Settlement of civil rights claim of Ray Lutz, Risk Management File No. 5789, including all cross-complaints.

**ITEM DESCRIPTION:**

This is a complaint for personal injuries suffered by Ray Lutz as the result of his arrest on November 29, 2011. The proposed settlement would resolve all claims brought by Ray Lutz.

**CITY ATTORNEY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2014-298)

Authorizing and directing the Council President, in his capacity under Charter Section 265(i), or his designee, to sign the Settlement Agreement pertaining to this lawsuit;

Authorizing the sum of \$60,000 to be paid from Public Liability Fund No. 720045 in settlement of each and every claim for damages, interest, costs and fees of any type, including attorney fees, against the City, its agents and employees, arising from the Litigation;

Authorizing the City Comptroller to issue a check in the amount of \$60,000 payable to Singleton Law Group Client Trust Account.

**SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

Settlement amount of \$60,000 will be paid from the Public Liability Fund, Fund No. 720045.

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

The item was considered in Closed Session on October 8, 2013.

Jones

Primary Contact\City Attorney\Phone: John Riley\619-236-6723

Secondary Contact\Phone: Anna Lonergan\619-533-5838

\* ITEM-119: Settlement of cross-complaint against Robert Filner in the case of *McCormack-Jackson v. City of San Diego*, et al. Risk Management File No. 8303.

**ITEM DESCRIPTION:**

The City of San Diego filed a cross-complaint against Robert Filner in the case of *McCormack-Jackson v. City of San Diego*. Settlement terms of the cross-complaint included Mr. Filner's resignation in exchange for the City defending and indemnifying him on that case as well as paying up to \$98,000 in attorney fees incurred by him defending claims against him alleging sexual harassment or related matters.

**CITY ATTORNEY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2014-202)

Declaring by the City Council of the City of San Diego that the sum of \$98,000 shall be made available from the Public Liability Fund No. 720045, payable to Filner and/or law firms designated by him in payment of attorney fees incurred in defense of claims against him alleging sexual harassment or related matters;

Authorizing the City Comptroller to expend an amount not to exceed \$98,000 from the Public Liability Fund, solely and exclusively, for the purpose of providing funds for the above described legal services and litigation expenses.

**SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

Settlement of \$98,000 will be paid from the Public Liability Fund 720045.

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

The item was considered and approved in Closed Session on August 23, 2013.

Jones

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

\* ITEM-120: Angle Parking along Juniper Street and along Kettner Boulevard. (Downtown Community Area. District 3.)

**ITEM DESCRIPTION:**

Authorizing the installation of angle parking on the north side of Juniper Street between Kettner Boulevard and the cul-de-sac for an additional five spaces, on the west side of Kettner Boulevard between Cedar Street and Ash Street for an additional three spaces, and on the west side of Kettner Boulevard between Grape Street and Fir Street for no net gain or loss of on-street parking spaces.

**STAFF'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2014-293)

Authorizing the installation of angle parking on: (a) north side of Juniper Street between Kettner Boulevard and the cul-de-sac; (b) west side of Kettner Boulevard between Cedar Street and Ash Street; and (c) west side of Kettner Boulevard between Grape Street and Fir Street, in accordance with San Diego Municipal Code Section 86.0104 and California Vehicle Code Section 22503;

Authorizing the installation of necessary signs and markings for such angle parking, and the regulations shall become effective upon installation of the signs;

Authorizing the expenditure of \$2,414.11 from Street Division General Fund No. 100000, solely and exclusively, to provide funds for the necessary work by City forces relating to installation of angle parking on the north side of Juniper Street between Kettner Boulevard and the cul-de-sac.

Subitem-B: (R-2014-321)

Declaring that installing angle parking along Juniper Street and Kettner Boulevard is categorically exempt from California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15301;

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

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

A) The striping of the angle parking spaces along Juniper Street will be installed by the City of San Diego Street Division at a cost of \$2,414.11. Funds are available in Street Division's Operating Budget.

B) The striping of the angle parking spaces along Kettner Boulevard between Cedar Street and Ash Street will be installed by the Developer/Contractor at no cost to the City.

C) The striping of the angle parking spaces along Kettner Boulevard between Grape Street and Fir Street will be installed by the Developer/Contractor at no cost to the City.

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

Tomlinson/Chadwick

Primary Contact\Phone: Joseph Jimenez\619-533-4741, MS 56D

Secondary Contact\Phone: Meredith Dibden-Brown\619-236-6485, MS 56D

City Attorney Contact: Malcolm, Katherine M.

\* ITEM-121: Angle Parking on Avenue of Science. (Carmel Mountain Ranch Community Area. District 5.)

**ITEM DESCRIPTION:**

A resolution to install angle parking on the west side of Avenue of Science between Rancho Carmel Drive and Innovation Drive in the Community of Carmel Mountain Ranch. This change will result in an increase of 19 parking spaces.

**STAFF'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2014-322)

Authorizing the installation of angle parking on the west side of Avenue of Science between Rancho Carmel Drive and Innovation Drive, in accordance with San Diego Municipal Code Section 86.0104 and California Vehicle Code Section 22503;

Authorizing the installation of necessary signs and marking for such angle parking, and the regulations shall become effective on installation of the signs;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$10,300 from the General Fund, Fund No. 100000, 2116 Transportation & Storm Water Operating Budget for the installation of angle parking on the west side of Avenue of Science between Rancho Carmel Drive and Innovation Drive, contingent upon the City Comptroller first certifying that the funds are, or will be, on deposit with the City Treasurer.

Subitem-B: (R-2014-327)

Declaring that installing angle parking on the west side of Avenue of Science between Rancho Carmel Drive and Innovation Drive is categorically exempt from California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15301;

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

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

The striping of the angle parking spaces will be installed by the City of San Diego Street Division at a cost of \$10,300. Funds are available in Street Division's Operating Budget.

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

Sturdevan/LoMedico

Primary Contact\Phone: Gary Pence\619-533-3184

Secondary Contact\Phone: Linda Marabian\619-533-3082

City Attorney Contact: Gerrity, Ryan P.

\* ITEM-122: Angle Parking on G Street between 22nd Street and 25th Street. (Southeastern San Diego Community Area. District 8.)

**ITEM DESCRIPTION:**

A Resolution to authorize the installation of angle parking on G Street between 22nd Street and 25th Street in the Community of Southeastern San Diego. This change will result in an increase of 18 parking spaces.

**STAFF'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2014-330)

Authorizing the installation of angle parking on the north side of G Street between 22nd Street and 25th Street, in accordance with San Diego Municipal Code Section 86.0104 and California Vehicle Code Section 22503;

Authorizing the installation of necessary signs and marking for such angle parking, and the regulations shall become effective on installation of the signs;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$2,800 from the General Fund, Fund No. 100000, 2116 Transportation & Storm Water Operating Budget for the installation of angle parking on G Street between 22nd Street and 25th Street, contingent upon the City Comptroller first certifying that the funds are, or will be, on deposit with the City Treasurer.

Subitem-B: (R-2014-331)

Declaring that installing angle parking on the north side of G Street between 22nd Street and 25th Street is categorically exempt from California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15301;

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

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

The striping of the angle parking spaces will be installed by the City of San Diego Street Division at a cost of \$2,800. Funds are available in Street Division's Operating Budget.

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

Sturdevan/LoMedico

Primary Contact\Phone: Gary Pence\619-533-3184, MS 609  
Secondary Contact\Phone: Linda Marabian\619-533-3082, MS 608  
City Attorney Contact: Gerrity, Ryan P.

\* ITEM-123: Angle Parking on L Street. (Southeastern San Diego Community Area. District 8.)

**ITEM DESCRIPTION:**

A resolution to authorize the installation of angle parking on the south side of the 3200 block of L Street in the community of Southeastern San Diego. This change will result in an increase of seven (7) parking spaces.

**STAFF'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2014-242)

Authorizing the installation of angle parking on the south side of the 3200 block of L Street, in accordance with San Diego Municipal Code Section 86.0104 and California Vehicle Code Section 22503;

Authorizing the installation of necessary signs and marking for such angle parking and the regulations shall become effective on installation of the signs;

Authorizing the expenditure of \$2,415.25 from Street Division Fiscal Year 2014 Operating Budget, General Fund No. 100000, Cost Center 2116110014, solely and exclusively, to provide funds for the necessary work by City forces relating to installation of angle parking on the south side of the 3200 block of L Street.

Subitem-B: (R-2014-254)

Declaring that the angled parking on the south side of the 3200 block of L Street is categorically exempt from California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Sections 15301 and 15302;

Declaring that the Council of the City of San Diego has determined that an exception to the exemption as set forth in CEQA Guidelines Section 15300.2 does not apply.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

The striping of the angle parking spaces will be installed by the City of San Diego Street Division at a cost of \$2,415.25. Funds are available in Street Division's Operating Budget.

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

Sturdevan/Chadwick

Primary Contact\Phone: Gary Pence\619-533-3184, MS 609  
Secondary Contact\Phone: Linda Marabian\619-533-3082, MS 609  
City Attorney Contact: Gerrity, Ryan P.

\* ITEM-124: Expansion of Residential Permit Parking Area "E." (Clairemont Mesa Community Area. District 6.)

**ITEM DESCRIPTION:**

This action is to expand Residential Permit Parking Area "E" in the Clairemont Mesa area, and will provide area residents the benefits of exclusive on-street permit parking to mitigate the impacts from Mesa College.

**STAFF'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2014-152)

Declaring that pursuant to authority conferred by and in accordance with the provisions of San Diego Municipal Code Section 86.2005(b), expansion to existing Residential Permit Parking Area "E" includes the properties on Armstrong Street, Beagle Street, Beagle Court, Arillo Street, Apollo Street, Ames Street, Ben Street, Argyle Street, and Baltic Street, as listed in the Attachment 1;

Declaring that the installation of the necessary signs and markings be and the same is authorized to be made on said street, and the regulations hereinabove imposed shall become effective upon the installation of such signs.

Subitem-B: (R-2014-155)

Declaring that the expansion of Permit Parking Area "E" in Clairemont Mesa Project is categorically exempt from California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301;

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

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

The current fee for annual permits in Area "E" is \$14, as established by the City Council. The maximum number of permits allowed per address is four (4). The annual revenue could range from one (1) permit/address (\$2,044/year) to four (4) permits/address (\$8,176/year).

Additionally, there would be an initial start-up expense for the installation of 80 regulatory signs, at a cost of \$150 per sign, for a total of \$12,000. Funding for this anticipated expense is currently available within Transportation & Storm Water Department/Street Division's Operating Budget.

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

- The Council approved the Area "E" Permit Parking Area on March 25, 2003, by Resolution No. R-297779.
  
- The Council approved an expansion to the Area "E" Permit Parking Area on July 5, 2006, by Resolution No. R-301595.
  
- The Council approved a reduction to the Area "E" Permit Parking Area on July 5, 2006, by Resolution No. R-301596.
  
- This item was heard at the LU&H Committee meeting on October 23, 2013, and forwarded to full City Council with a recommendation to approve.

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

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

At the Land Use and Housing Committee Meeting held on October 23, 2013, it was requested by the Committee that final notices be mailed to residents in areas immediately adjacent but currently not included in the proposed expansion to Area "E." As a result of these letters mailed on October 29, 2013, City staff received a response from four residences who have been added to the proposed expansion to Area "E" (please see attachments 1, 2, and 3).

Sturdevan/Chadwick

Primary Contact\Phone: Julio Fuentes\619-533-3092, MS 609  
Secondary Contact\Phone: Linda Marabian\619-533-3082, MS 609  
City Attorney Contact: Gerrity, Ryan P.

\* ITEM-125: Approval of contract with Burke, Williams, and Sorenson, LLP for Fiscal Year 2014 Labor Negotiations services.

**ITEM DESCRIPTION:**

This item approves a Sole Source Consultant Agreement with Burke, Williams, and Sorenson, LLP for Fiscal Year 2014 labor negotiations through the end of the fiscal year.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2014-229)

Approving the Agreement between the City of San Diego and Burke, Williams & Sorensen, LLP, to provide as-needed labor negotiation services, for a term from January 1, 2014, through June 30, 2014, or whenever the scope of services is complete, whichever is the earlier, for compensation not to exceed \$150,000;

Authorizing and directing the Council President, in his capacity under San Diego Charter Section 265(i), and on behalf of the City, to execute the Agreement;

Declaring that the actions authorized here are contingent upon the City Comptroller first furnishing one or more certificates stating that funds necessary for the authorized expenditures are, or will be, on deposit with the City Treasurer.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

Funding for this contract has been allocated through the Fiscal Year 2014 Annual Budget for \$150,000. Please reference FTE Allocation Schedule for accounting details.

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

von Kalinowski/Chadwick

Primary Contact\Phone: Judy von Kalinowski\619-236-6313

Secondary Contact\Phone: Rimah Khouri\619-236-5586

City Attorney Contact: Dawson, Joan F.

\* ITEM-126: 2012 Long-Range Water Resources Plan (LRWRP).

**ITEM DESCRIPTION:**

This action is to adopt the 2012 Long-Range Water Resources Plan (LRWRP) in fulfillment of the Council action regarding the LRWRP in 2009. This previous action included elements that directed staff to update the 2002 LRWRP and revisit its water resources strategy.

**STAFF'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2014-11 Cor. Copy)

Adopting the Draft 2012 Long Range Water Resources Plan (LRWRP) dated June 2013, as set forth in the City of San Diego Public Utilities Department 2012 Long Range Water Resources Plan, Final Draft.

Subitem-B: (R-2014-12 Cor. Copy)

Declaring that the Final Draft Report for the 2012 Long-Range Water Resources Plan - June 2013, is exempt from California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15262.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

Not applicable at this time. A planning level cost analysis of each of the supply options recommended is presented in the 2012 LRWRP Report.

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

- On August 12, 1997, the City Council adopted Resolution (R-289102) approving the Strategic Plan for Water Supply.
- On December 9, 2002, the City Council adopted Resolution (R-297484) approving the 2002 LRWRP.
- On March 20, 2009, the City Council adopted Resolution (R-304714) authorizing the preparation of the 2012 LRWRP.

- This item was heard at the Natural Resources and Culture Committee on July 31, 2013, and forwarded to the full City Council with a recommendation to approve, and direction to change the phrase "Indirect Potable Reuse" to "Potable Reuse" in staff recommendation.

**ACTION:** Motion by Councilmember Emerald, second by Councilmember Zapf, to approve staff recommendation and to change the phrase "Indirect Potable Reuse" to "Potable Reuse" in staff recommendation.

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

The change has been addressed in the memo dated November 18, 2013.

Sasaki/Chadwick

Primary Contact\Phone: George Adrian\619-533-4680, MS 906

Secondary Contact\Phone: Marsi Steirer\619-533-4112, MS 906

City Attorney Contact: Palmucci, Raymond C.

\* ITEM-127: Grant funded restoration of riparian areas at Upper Otay Reservoir.

**ITEM DESCRIPTION:**

This item requests Council approval to allow the Public Utilities Department to enter into a partnership with River Partners, a non-profit organization that restores wetlands and streams for habitat and wildlife, to restore riparian habitat at Upper Otay Reservoir. The project is on City-owned land outside of the City's boundaries in an unincorporated area of the County. The work will be funded by multiple grants from the State of California and the San Diego Foundation.

**STAFF'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2014-121)

Authorizing the Council President, in his capacity under San Diego Charter Section 265(i), or his designee, to execute, for and on behalf of the City, an Agreement with the State of California and River Partners for grant funding under the Urban Streams Restoration Program to be used for the restoration of riparian areas of the Upper Otay Reservoir, under the terms and conditions set forth in the form of the Grant Agreement (Number 4600009870);

Authorizing the Council President, in his capacity under San Diego Charter Section 265(i), or his designee, to execute, for and on behalf of the City, an Agreement with San Diego Foundation for grant funding to restore the riparian areas of the Upper Otay Reservoir, under the terms and conditions set forth in the form of the Agreement;

Authorizing the River Partners to implement the restoration project in accordance with the terms of the Grant Agreement;

Authorizing the Council President, in his capacity under San Diego Charter Section 265(i), or his designee, to execute, for and on behalf of the City, an Agreement allowing River Partners right of access to the City's Upper Otay Reservoir area, under the terms and conditions set forth in the form of the Right-of-Entry Permit.

Subitem-B: (R-2014-134)

Determining that the Project is categorically exempt from California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15304 and that an exception to the exemption does not apply;

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

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

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

No funding is requested. River Partners, the non-profit organization, will receive and expend the funds directly.

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

This item was heard at the Natural Resources and Culture Committee meeting on September 25, 2013, and forwarded to the full City Council with a recommendation to approve.

**ACTION:** Motion by Councilmember Emerald, second by Councilmember Zapf, to approve staff recommendation.

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

Sasaki/Chadwick

Primary Contact\Phone: Jeff Pasek\619-533-7599, MS 906

Secondary Contact\Phone: Nicole McGinnis\619-533-4101, MS 906

City Attorney Contact: Palmucci, Raymond C.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS  
RESOLUTIONS:

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

ITEM-330: Report regarding the San Diego Water Policy Implementation Task Force Recommendations. (Citywide.)

**ITEM DESCRIPTION:**

Accept the Report.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2014-290)

Accepting the recommendations of the San Diego City Council Water Policy Implementation Task Force (WPITF), as set forth in the report dated July 31, 2013.

**STAFF SUPPORTING INFORMATION:**

FISCAL CONSIDERATIONS: N/A

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

This item was considered at the September 25, 2013, Natural Resources and Culture Committee meeting.

**ACTION:** Motion by Councilmember Emerald, second by Councilmember Zapf, to accept the Water Policy Implementation Task Force (WPITF) final report and move to the full City Council. Prior to the City Council hearing the WPITF report, institute an internal working group that includes Councilmembers Emerald, Sherman, and Lightner to begin moving WPITF recommendations forward and prioritizing which recommendations should be implemented. Direction to the Independent Budget Analyst (IBA) to produce a matrix of WPITF recommendations that provides information concerning if there are budgetary impacts to each recommendation and status of water related items addressed in the Task Force report the City is currently analyzing. The working group shall begin meeting and complete a final report before the Task Force's recommendations are heard by the City Council in December.

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

Smith

Primary Contact\Phone: Kevin Smith\619-236-6688  
Secondary Contact\Phone: Greg Parkington\619-236-6611  
City Attorney Contact: Palmucci, Raymond C.

**NOTE:** See Item 331 on today's docket for a companion item.

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

ITEM-331: Implementation Plan from the internal Working Group on the Water Policy Implementation Task Force recommendations. (Citywide. District 8.)

**ITEM DESCRIPTION:**

Approve the Implementation Plan from the internal Working Group on the Water Policy Implementation Task Force recommendations.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2014-342 Cor. Copy 2)

Adopting the internal Working Group's list of phase one recommendations for implementation (Appendix A).

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:** N/A

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

The Water Policy Implementation Task Force Working Group was created at the September 25, 2013, Natural Resource and Culture Committee.

**ACTION:** Motion by Councilmember Emerald, second by Councilmember Zapf to accept the Water Policy Implementation Task Force (WPITF) final report and move to the full City Council. Prior to the City Council hearing the WPITF report, institute an internal working group that includes Councilmembers Emerald, Sherman and Lightner to begin moving WPITF recommendations forward and prioritizing which recommendations should be implemented. Direction to the IBA to produce a matrix of WPITF recommendations that provides information concerning if there are budgetary impacts to each recommendation and status of water related items addressed in the Task Force report the City is currently analyzing. The working group shall begin meeting and complete a final report before the Task Force's recommendations are heard by the City Council in December.

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

Schmidt

Primary Contact\Phone: Kevin Smith\619-236-6688  
Secondary Contact\Phone: Greg Parkington\619-236-6611  
City Attorney Contact: Palmucci, Raymond C.

**NOTE:** See Item 330 on today's docket for a companion item.

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

ITEM-332: Adopting the 2014 Legislative Calendar and FY 2015 Key Budget Dates.

**COUNCIL PRESIDENT GLORIA'S RECOMMENDATION:**

Adopt the following resolution:

(R-2014-323)

Adopting the schedule of meetings for the City Council, Standing Committees, and Budget Review Committee of the City Council, which includes meetings of the Housing Authority, for the period of January 1, 2014, through December 31, 2014;

Adopting the Fiscal Year 2015 Budget Process Key Dates.

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

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: FY 2014 Rancho Bernardo Public Facilities Financing Plan. (Rancho Bernardo District 5.)

**ITEM DESCRIPTION:**

Requesting approval of an update to the Rancho Bernardo Public Facilities Financing Plan, which also sets the Development Impact Fees for the community.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2014-283)

Adoption of a Resolution approving the Fiscal Year 2014 Rancho Bernardo Public Facilities Financing Plan and Development Impact Fee Schedule.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

Approving the DIF will continue to provide a partial funding source for the community-serving infrastructure identified in the Financing Plan. Since the DIF cannot be used for demand resulting from existing development, 0.41 acres of parkland is eligible for DIF funding while 2.59 acres of parkland is ineligible and other funding sources will need to be identified (Financing Plan Project No. P-1). Additional fees may be imposed on future discretionary projects on a case-by-case basis to fully account for a project's public facilities impacts.

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

This action was heard by the Infrastructure Committee on October 28, 2013 and the staff recommendation forwarded to the full City Council.

The current Rancho Bernardo Public Facilities Financing Plan (Financing Plan), Fiscal Year 2008 was adopted by City Council on July 09, 2007, by Resolution No. R-302791.

Tomlinson\Chadwick

Primary Contact\Phone: Oscar Galvez III\619-533-3685, MS 606F

Secondary Contact\Phone: John Tracanna \619-533-3682, MS 606F

City Attorney Contact: Heidi K. Vonblum

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

ITEM-334: Rental Car Center Easement Vacation, Project No. 317637. (North Bay Community Plan Area. District 2.)

**ITEM DESCRIPTION:**

This is a request to vacate a portion of a 15-foot wide storm drain easement that is no longer in use. This is a mapping action pursuant to the California Subdivision Map Act and no permit is included with this action.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2014-227)

Adoption of a Resolution summarily vacating portions of a 15-foot wide storm water easement, Project No. 317637;

Vacating the storm drain easement located within the San Diego County Regional Airport Authority property, as more particularly described in the legal description marked as Exhibit "A," and shown on drawing No. 37941-B, marked as Exhibit "B," which are by this reference incorporated herein and made a part hereof;

Directing Development Services Department to record a certified copy of this resolution with attached exhibits, attested by the City Clerk under seal, in the Office of the County Recorder.

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

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

None. All of the costs of processing this application are paid for by the applicant.

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

None required. As a summary vacation this action is docketed directly with the final decision maker.

Tomlinson/Chadwick /ph

Primary Contact\Phone: Patrick Hooper\619- 557-7992, MS 501  
City Attorney Contact: Shannon Thomas

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS  
RESOLUTIONS:

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

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

ITEM-335: Informational - Submission of City Clerk Certificate of Sufficiency for Referendary Petition - Resolution R-308445. (Rev. 12/5/13)

**CITY CLERK'S RECOMMENDATION:**

Informational item only.

Submit before Council the City Clerk Certificate of Sufficiency.

**SUPPORTING INFORMATION:**

FISCAL CONSIDERATIONS: N/A

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: N/A

Maland

Primary Contact\Phone: Elizabeth Maland\619-533-4080, MS 2A

Secondary Contact\Phone: Bonnie Stone\619-533-4060, MS 2A

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-336: Consideration of supporting the "Live Well San Diego" initiative of the County of San Diego, Health and Human Services Agency.

**ITEM DESCRIPTION:**

Support the "Live Well San Diego" initiative of the County of San Diego, Health and Human Services Agency.

**COUNCIL PRESIDENT GLORIA'S RECOMMENDATION:**

Adopt the following resolution:

(R-2014-310)

Declaring that the City of San Diego is committed to supporting the *Live Well San Diego* initiative of the County of San Diego, Health and Human Services Agency, and that in support the City will further encourage all City residents to take action to improve the safety, health and well-being of themselves, their families, their neighborhoods and communities.

**SUPPORTING INFORMATION:**

FISCAL CONSIDERATIONS: N/A

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: N/A

Jurado-Sainz

Primary Contact\Phone: Jamie Fox\619-236-6330, MS 11A  
Secondary Contact\Phone: Anthony Bernal\619-236-6633, MS 10A  
City Attorney Contact: Bradley, Catherine M.

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

ITEM-337: Horton Fourth Apartments Refinancing - Request to enter into Subordination Agreement, Administration Agreement and Amend the Promissory Note, Deed of Trust and Agreement Affecting Real Property - Horton Plaza Redevelopment Project. (District 3.)

**ITEM DESCRIPTION:**

Request to enter into and execute the following Agreements: Amended and Restated Promissory Note Secured by Subordinated Deed of Trust to the City of San Diego; Amended and Restated Subordinated Deed of Trust; Amended and Restated Agreement Affecting Real Property; Subordination Agreement; and the Administration Agreement.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2014-339)

Authorizing and directing the Mayor, or designee, to execute the following Agreements:

- a. Amended and Restated Promissory Note Secured by Subordinated Deed of Trust to the City of San Diego
- b. Amended and Restated Subordinated Deed of Trust with Assignment of Rents
- c. Amended and Restated Agreement Affecting Real Property
- d. Subordination Agreement by and between the City, Horton Fourth Avenue, LLC and RGA Reinsurance Company;

Approving the Administration Agreement by and between the City, Horton Fourth Avenue, LLC and the San Diego Housing Commission, as to form and content deemed acceptable by the Mayor, or designee, and City Attorney Office;

Authorizing the Mayor, or designee, to execute all documents and to take all actions as may be necessary to implement the above-referenced Agreements;

Authorizing and directing the City Comptroller to accept, on the City's behalf, all payments received under the Amended and Restated Promissory Note and to deposit such payments in the Low and Moderate Income Housing Asset Fund.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

The refinancing of the Horton Fourth Project will result in approximately \$1.5 million in refinance proceeds, which will be paid to the City as the Successor Housing Entity, Low and Moderate Income Housing Asset Fund (Housing Asset Fund), Fund No. 200708. This Fund was created pursuant to Health and Safety Code Section 34176(d) for purposes of depositing any encumbered funds related to the housing assets and retaining any revenues generated from the housing assets. Any remaining unpaid interest from the refinancing will be converted to principal and the loan terms will be amended in accordance with the amended promissory note.

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

On November 20, 2013, the Land Use and Housing Committee voted to move the item forward for City Council consideration.

**ACTION:** Motion by Councilmember Lightner, second by Councilmember Cole, to move to full Council without recommendation.

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

Phillips/Chadwick

Primary Contact\Phone: Stephanie Shook\619-533-7119, MS 51D  
City Attorney Contact: Malcolm, Katherine Anne

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

ITEM-338: A Resolution authorizing and approving the retention of Pyle, Sims, Duncan, and Stevenson for Legal Services related to the Rural/Metro, Inc., bankruptcy.

**ITEM DESCRIPTION:**

The City's Advanced Life Support Ambulance contractor, Rural/Metro, filed for Chapter 11 bankruptcy last August. These bankruptcy proceedings may have a negative impact on the City's ALS ambulance services. These proceedings present highly specialized legal issues. This item allows the City to retain a law firm to protect the City's interests throughout these proceedings.

**CITY ATTORNEY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2014-292 Cor. Copy) (Rev. 12/9/13)

Approving the retention of the Law Firm of Pyle, Sims, Duncan, and Stevenson;

Authorizing and directing the Council President, acting pursuant to Charter Section 265(i), or his designee, to execute an Agreement with Pyle, Sims, Duncan, and Stevenson for legal services related to the Rural/Metro Inc., bankruptcy;

Authorizing the Chief Financial Officer to appropriate and expend an amount not to exceed \$50,000 from the Special Consulting Funds Center (Fund No. 100000; Funds Center No. 9912001117), for the purpose of retaining the law firm 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.

**SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

The retention of the Law Firm of Pyle, Sims, Duncan, and Stevenson for Legal Services will result in an expenditure amount not to exceed \$50,000 expenditure from the General Fund, Citywide Program Expenditure Account (Fund No. 100000). (Rev. 12/9/13)

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

This item was heard at the Rules and Economic Development Committee meeting on November 6, 2013.

**ACTION:** Motion by Councilmember Faulconer, second by Chair Lightner, to forward to the City Council without a recommendation. Additionally, the Committee requested that:

- The Report and Agreement be clarified that the contract is for a “not to exceed dollar amount” total of \$50,000.
- The City Attorney’s Office provide analysis about the appropriateness of using the Emergency Medical Services fund as a source of funding for this contract.
- An accounting be provided of how much has been encumbered to-date, and a funding source be identified to pay for the amount.

**VOTE:** 3-1; Lightner-yea, Faulconer-yea, Kersey-yea, Emerald-nay, Alvarez-absent.

In response to the above requests:

- 1) The contract has been amended to remove all references to an amount over \$50,000.
- 2) After consultation with City Staff, the EMS Fund was determined to be the appropriate funding source for this item. The Public Liabilities Fund is not available because no claim has been made against the City.
- 3) As of November 1, 2013, \$14,758.19 has been encumbered. An up to date accounting will be available on the Council date.

Jones

Primary Contact\City Attorney\Phone: Noah J. Brazier\619-236-7196, MS 59

**ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS  
ORDINANCES TO BE INTRODUCED:**

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

ITEM-339: Amendments to the Municipal Code to Clarify the Powers and Duties of the Planning Director and Implement Approved Governmental Operations Improvements.

**ITEM DESCRIPTION:**

This item is a request for approval of Amendments to the Municipal Code to clarify the powers and duties of the Development Services Director and the Planning Director in accordance with previously approved improvements to the City's organizational structure and operations.

**STAFF'S RECOMMENDATION:**

Introduce the following ordinance:

(O-2014-71)

Introduction of an Ordinance amending Chapter 2, Article 2, Division 18, of the San Diego Municipal Code, by amending Section 22.1801, amending Chapter 2, Article 2, Division 24, by amending Section 22.2401, relating to the Development Services Department and adding Section 22.2402, relating to the Department of Planning, Neighborhoods, and Economic Development;

This ordinance amends provisions of the San Diego Municipal Code relating to the duties of the Development Services Director and Planning Director as a result of the new Department of Planning, Neighborhoods, and Economic Development and the reorganization of the Development Services Department. The amendments provide for the responsibility and authority over long-range planning, California Environmental Quality Act policy and environmental resource analysis, economic development, and various other planning functions such as the civic innovation lab, sustainability planning, and urban design studio to be held by the Planning Director, rather than the Development Services Director.

**NOTE: 6 votes required pursuant to Section 26 of the City Charter.**

**STAFF SUPPORTING INFORMATION:**

FISCAL CONSIDERATIONS: None.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

On October 28, 2013, the City Council approved various organizational and operations improvements to address identified City needs and priorities, including establishment of the new Department of Planning, Neighborhoods, and Economic Development.

Westlake/LoMedico

Primary Contact\Phone: Amanda Lee\619-446-5367, MS 501

Secondary Contact\Phone: Cathy Winterrowd\619-235-5217, MS 501

City Attorney Contact: Neuffer, Corrine

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

ITEM-340: Sixth Amendment to Lease at 1010 2nd Avenue, San Diego, CA 92101.  
(Downtown Community Area. District 3.)

**ITEM DESCRIPTION:**

Authorization to enter into an Amendment of two office leases at 1010 2nd Avenue, San Diego, CA 92101, to extend the term, adjust the rent and make other changes to the leases as set forth in the proposed amendment.

**STAFF'S RECOMMENDATION:**

Introduce the following ordinance:

(O-2014-66)

Introduction of an Ordinance authorizing and directing the Council President, in his capacity under Charter Section 265(i), or his designee, to execute and deliver that certain Sixth Amendment to Lease between Executive Complex, LP, a limited partnership company, as landlord, and the City of San Diego, as tenant;

Authorizing the Chief Financial Officer to appropriate and expend funds up to \$1,992,107.52 for rent in FY 2014, and as otherwise required by the Lease, as follows:

General Fund, Fund No. 100000 ----- 85.60%;  
Department of IT, Fund No. 200308 ----- 7.00%;  
Facilities Financing, Fund No. 200001 ----- 5.65 %; and  
Local Enforcement Agency, Fund No. 200226 ---- 1.75%.

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

**STAFF SUPPORTING INFORMATION:****FISCAL CONSIDERATIONS:**

Extending the term of the leases for 1010 2nd Avenue will commit the City to make certain rent payments under the leases for 72 months commencing on July 1, 2013, subject to the City's right to terminate the leases after the third year of the extended term and subject to the City's right to downsize its space needs. Rents will be reduced from \$1.65 per rentable square foot per month to \$1.17 per rentable square foot per month. Rent will be payable as follows:

Months	Rate per Rentable Square Foot	Monthly Installment of Base Rent
1-12	\$1.17	\$166,008.96
13-24	\$1.21	\$170,989.23
25-36	\$1.24	\$176,118.91
37-48	\$1.28	\$181,402.47
49-60	\$1.32	\$186,844.55
61-72	\$1.36	\$192,449.88

Rent in FY14 will not exceed \$1,992,107.52:

General Fund Fund No.	100000	85.60 %	\$1,705,244.04
Department of IT Fund No.	200308	7.00 %	\$ 139,447.53
Facilities Financing Fund No.	200001	5.65 %	\$ 112,554.07
Local Enforcement Agency Fund No.	200226	1.75 %	\$ 34,861.88

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

San Diego Ordinances:

O-18636 (April 12, 1999)

O-18820 (June 19, 2000)

O-18823 (July 17, 2000)

O-18919 (January 30, 2001)

O-19046 (April 2, 2002)

O-19117 (October 28, 2002)

Barwick/Chadwick

Primary Contact\Phone: Jim Barwick\619-236-6144

Secondary Contact\Phone: Brock Ladewig\619-236-6311

City Attorney Contact: Bevier, Debra J.

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

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

ITEM-341: Housing Impact Fee Municipal Code Amendments. (Citywide.)

**ITEM DESCRIPTION:**

That the City Council approves one of the recommendations to update the Housing Impact Fee ordinance as included in the Housing Commission staff report and additional amendments discussed by the Council at its November 4, 2013 and November 21, 2013 meetings, as further described below.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt **either one** of the following: Subitem A was introduced with direction on 11/4/2013, Item 200. (Council voted 5-4. Councilmembers Faulconer, Kersey, Zapf, and Sherman voted nay). Subitem B was introduced on 11/21/2013, Item 621. (Council voted 5-4. Councilmembers Faulconer, Kersey, Zapf, and Sherman voted nay), and Subitem B includes a resolution that reflects the Council's motion from the November 21, 2013 public hearing on the item.

Subitem-A: (O-2014-57)

Amending Chapter 9, Article 8, Division 6, of the San Diego Municipal Code, by amending Sections 98.0601, 98.0604, 98.0606, 98.0608, by repealing Section 98.0609, by amending Sections 98.0610, 98.0611, 98.0614, 98.0615, 98.0618, 98.0619, and Appendix A, all relating to Housing Impact Fees on Nonresidential Development in the City of San Diego;

Since 1990, the City of San Diego has collected a housing impact fee from new commercial and industrial development (nonresidential development). The fee is based on the type of nonresidential development and the square footage of that development. The fee is charged for the purpose of providing affordable housing to meet the need for this housing that is created by the employment at the new development. The current San Diego Municipal Code requires the amount of the fee to be revised based on changes to a specific building cost index. The current San Diego Municipal Code also requires the San Diego Housing Commission to prepare an annual recommendation to the City Council regarding the proposed fee revisions;

This ordinance would increase the fees to initial rates representing 1.5% of the current development costs of nonresidential development. This ordinance would also allow the Housing Commission to annually adjust the housing impact fees based on the building cost index without a Council action;

This ordinance updates the provision regarding exemptions for fees due in enterprise zones in order to address state legislation that abolishes such zones effective January 1, 2014. This ordinance expands the existing variance provisions that may be heard and granted by the Housing Commission to include requests for reductions and adjustments and adds a provision that allows the City Council to hear and grant requests for waivers;

Declaring that the Chief Executive Officer of the San Diego Housing Commission shall notify the City Council, the Housing Authority of the City of San Diego, and the City Clerk of any revisions of Chapter 9, Article 8, Division 6, Appendix A undertaken pursuant to San Diego Municipal Code Section 98.0619, and that, upon receipt of such notification, the Clerk shall at that time replace that Division's Appendix A with the revised version of Appendix A.

**OR**

Subitem-B: (O-2014-69)

Amending Chapter 9, Article 8, Division 6, of the San Diego Municipal Code, by amending Sections 98.0601, 98.0604, 98.0606, 98.0608; by repealing Section 98.0609; by amending Sections 98.0610, 98.0611, 98.0614, 98.0615, 98.0618, 98.0619, and Appendix A, all relating to Housing Impact Fees on Nonresidential Development in the City of San Diego;

Since 1990, the City of San Diego has collected a Housing Impact Fee from new commercial and industrial development (nonresidential development). The fee is based on the type of nonresidential development and the square footage of that development. The fee is charged for the purpose of providing affordable housing to meet the need for this housing that is created by the employment at the new development. The current San Diego Municipal Code requires the amount of the fee to be revised based on changes to a specific building cost index. The current San Diego Municipal Code also requires the San Diego Housing Commission to prepare an annual recommendation to the City Council regarding the proposed fee revisions;

This ordinance would phase in an increase of the fees. The increase would begin on July 1, 2014, and on July 1, 2016, would represent approximately 1.5% of the current development costs of nonresidential development. This ordinance would also allow the Housing Commission to annually adjust the Housing Impact Fees beginning in 2017, based on a building cost index without a Council action. This ordinance would establish that the operative date for determining the rate used to calculate the fee for a project is the date the application for any building permit for the project is deemed complete. It would provide that the fee must be paid prior to the scheduling of a final inspection or issuance of any certificate of occupancy for the project;

This ordinance updates the provision regarding exemptions for fees due in enterprise zones in order to address state legislation that abolishes such zones effective January 1, 2014. This ordinance expands the existing variance provisions that may be heard and granted by the Housing Commission to include requests for reductions and adjustments and adds a provision that allows the City Council to hear and grant requests for waivers.

(R-2014-362)

Declaring that the statements contained in the resolution's recital clauses, along with the record from the public hearings of November 4, 2013, November 21, 2013, and December 10, 2013 (including but not limited to public testimony received, staff testimony and reports provided, and the nexus study dated August 2013 as supplemented October 2013), considered either individually or collectively, form a basis upon which the City Council rests its decision to adopt [O-2014-69](#); (Rev. 12/4/13)

Declaring that the Chief Executive Officer of the San Diego Housing Commission shall notify the City Council, the Housing Authority of the City of San Diego, and the City Clerk of any revisions of Chapter 9, Article 8, Division 6, Appendix A undertaken pursuant to San Diego Municipal Code Section 98.0619, and that, upon receipt of such notification, the Clerk shall at that time replace that Division's Appendix A with the revised version of Appendix A.

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-342: Santaluz Assisted Living, Project No. 257983. (Black Mountain Ranch Subarea Plan. District 5.)

**ITEM DESCRIPTION:**

Approval of actions necessary for the construction of a nursing facility for assisted living and memory care patients on a vacant 3.28-acre site located at 14740 Via Fiesta within the Black Mountain Ranch Subarea.

**STAFF'S RECOMMENDATION:**

Adopt the resolutions in Subitems A and C and introduce the ordinance in Subitem B:

Subitem-A: (R-2014-324)

Adoption of a Resolution certifying addendum to Environmental Impact Report No. 95-0173 and 96-7902, and Addendum Nos. 95-0173.1 and 99-1161; Adopting the Mitigation Monitoring and Reporting Program for Santaluz Project No. 257983;

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: (O-2014-72)

Introduction of an Ordinance approving Conditional Use Permit No. 998816 for the Santaluz Project No. 257983.

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

Subitem-C: (R-2014-325)

Adoption of a Resolution approving an amendment to the Black Mountain Ranch Subarea Plan to redesignate land from Institutional-Seniors Center and Institutional-Recreation Center to Institutional-Nursing Facility for Santaluz Project No. 257983.

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

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

None with this action. All cost 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\LoMedico\wz

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City Attorney Contact: Shannon M. Thomas

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

ITEM-343: Otay Mesa-Nestor Public Facilities Financing Plan-Fiscal Year 2014. (Otay Mesa-Nestor Community Plan Area. District 8.)

**ITEM DESCRIPTION:**

FY 2014 Otay Mesa-Nestor Public Facilities Financing Plan (Financing Plan) and Development Impact Fee Schedule (DIF) updates the FY 2006 Financing Plan and DIF for the community and ensures continued funding for community serving infrastructure.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2014-336)

Adoption of a Resolution by the Council of the City of San Diego as follows:

1. The FY 2014 Otay Mesa-Nestor Financing Plan is approved.
2. That the Chief Financial Officer is authorized to establish and modify individual Capital Improvement Program project budgets to reflect the FY 2014 Otay Mesa-Nestor Financing Plan provided funding is available for such action.
3. Effective sixty days from the date of final passage of this Resolution, that all development impact fees due under the FY 2014 Otay Mesa-Nestor Financing Plan, shall be those fees in effect at the time building permits are issued, plus automatic annual increases in accordance with the San Diego Municipal Code Section 142.0640(b).
4. That the FY 2014 Otay Mesa-Nestor Financing Plan, is incorporated by reference into this Resolution as support and justification for satisfaction of findings required pursuant to the Mitigation Fee Act, as set forth in California Government Code Section 66000 et seq., for imposition of development impact fees. Specifically, it is determined and found that this documentation:
  - a. Identifies the purpose of the development impact fee, which is to ensure that new development project pays a share of the funding needed for community serving infrastructure necessary to serve new development.

b. Identifies the use to which the development impact fee is to be put. The development impact fees will be used to finance community serving infrastructure projects necessary to serve the community at full community development as identified in the FY 2014 Otay Mesa-Nestor Financing Plan.

c. Demonstrates how there is a reasonable relationship between the development impact fee use and type of development project on which the development impact fee is imposed. The impact fee will be used to provide for a contribution for community serving infrastructure needed to serve both residential and non-residential development. Residential development requires transportation, park, fire, and library facilities. Non-residential development requires transportation and fire facilities.

d. Demonstrates how there is a reasonable relationship between the need for the public facility and the type of development project on which the development impact fee is imposed. Consistent with the Otay Mesa-Nestor Community Plan, and based on input from City asset owning departments and the Otay Mesa-Nestor Community Planning Group, transportation, park, fire and library projects were identified necessary to serve the Otay Mesa-Nestor community.

(i) Transportation Projects: Both residential development and non-residential development utilize the community's transportation system, and improvements are necessary based on projected Average daily trips at full community development, and General Plan standards.

(ii) Park and Recreation Projects: Residential development utilizes the community's parks, and improvements are necessary based on the projected population at full community development and General Plan standards.

(iii) Library Project: Residential development utilizes the community's libraries, and improvements are necessary based on the projected population at full community development and General Plan standards.

(iv) Fire/Rescue Projects: Residential and non-residential development will be served by community fire/rescue facilities, and additional facilities are necessary based on the projected population at full community development, General Plan standards, and established emergency response times.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

Updating the Financing Plan will continue to provide a funding source for the public facilities identified in the Otay Mesa-Nestor Financing Plan. No General Fund appropriations or expenditures are identified in the Financing Plan.

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

The current FY 2006 Financing Plan was approved by City Council on February 7, 2006, by Resolution R-301225. The FY 2014 Financing Plan update was approved by the INFRA Committee on November 18, 2013.

Tomlinson\Chadwick\ms

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City Attorney Contact: Heidi Vonblum

**NON-DOCKET ITEMS**

**ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES**

**ADJOURNMENT**