

**CITY COUNCIL OF THE CITY OF SAN DIEGO
SUPPLEMENTAL DOCKET NUMBER 2
FOR THE REGULAR MEETING OF
TUESDAY, DECEMBER 17, 2013
CITY ADMINISTRATION BUILDING
COUNCIL CHAMBERS – 12TH FLOOR
202 “C” STREET
SAN DIEGO, CA 92101**

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

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

- * ITEM-S500: City of Chula Vista Utility Agreement No. STL-261-1 and Joint Use Agreement No. STL-384 and County of San Diego Joint Use Agreement Parcel No. 2013-0215-A for the Willow Street Bridge Water Pipeline Relocation.

ITEM DESCRIPTION:

Council authorization to execute Utility Agreement No. STL-261-1 with the City of Chula Vista for the relocation of the City’s existing 36-inch Otay 2nd Water Transmission Pipeline, and Joint Use Agreements with the City of Chula Vista and County of San Diego for the joint use of the area common to the relocated utility.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2014-373)

Authorizing the Council President, in his capacity under Charter Section 265(i), or his designee, to execute, for and on behalf of the City of San Diego, Utility Agreement No. STL-261-1 with Chula Vista for the relocation and upsizing of San Diego’s 36-inch Otay 2nd Water Transmission Pipeline, in the amount not to exceed \$150,000 (Utility Agreement);

Authorizing the Council President, in his capacity under Charter Section 265(i), or his designee, to execute, for and on behalf of the City of San Diego, Joint Use Agreement No. STL-384 with Chula Vista for the joint use of the area common to San Diego’s relocated pipe and Chula Vista’s right-of-way;

Authorizing the Council President, in his capacity under Charter Section 265(i), or his designee, to execute, for and on behalf of the City of San Diego, Joint Use Agreement (Parcel No. 2013-0215-A) with the County for the joint use of the area common to San Diego's relocated pipe and County's right-of-way;

Authorizing the Chief Financial Officer to expend funds in an amount not to exceed \$266,000 from A-KB.00003 Annual Allocation Water Main Replacements, Fund 700010, Water, for the purpose of funding the aforementioned Utility Agreement and costs related to the water pipeline relocation project, provided that the Chief Financial Officer furnishes one or more certificates demonstrating that funds necessary for expenditure are, or will be, on deposit in the City Treasury.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The total estimated cost of this project is \$266,000 in which \$116,000 will be reimbursed from Chula Vista. Funding is available in Water Fund 700010, Annual Allocation Water Main Replacements (A-KB.00003) for this purpose.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: N/A

Sasaki/Heinrichs

Primary Contact\Phone: Tung Phung\858-292-6425, MS 901
Secondary Contact\Phone: Guann Hwang\858-292-6476, MS 901
City Attorney Contact: Jung, Jeremy

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

* ITEM-S501: Community Projects, Programs and Services Funding Allocation to the Asociacion de Liderazgo Comunitario (ALC) for San Diego Tenant's Association. (District 9.)

ITEM DESCRIPTION:

Approval of the funding allocation from Council District 9, along with authorization from the City Council are requested to allow the Mayor, or his designee, to enter into an Agreement with Asociacion de Liderazgo Comunitario (ALC) for an amount not to exceed \$2,000 for San Diego Tenant's Association.

COUNCILMEMBER EMERALD'S RECOMMENDATION:

Adopt the following resolution:

(R-2014-377)

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 the Asociacion de Liderazgo Comunitario (ALC) in an amount not to exceed \$2,000 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 \$2,000 from the Community Projects, Programs and Services Budget Fund No. 100000, Cost Center 1109110009, 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:

\$2,000 in Community Projects, Programs and Services Funding from Fund No. 100000, Cost Center No. 1109110009 will be used for San Diego Tenant's Association.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: N/A

Flores

Primary Contact\Phone: Marisa Berumen\619-236-7754

Secondary Contact\Phone: Ricardo Flores\619-236-6699

City Attorney Contact: Bradley, Catherine M.

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

* ITEM-S502: Community Projects, Programs and Services Funding Allocation to the Montezuma Economic Development Corp. dba College Neighborhoods. (District 9.)

ITEM DESCRIPTION:

Approval of the funding allocation from Council District 9, along with authorization from the City Council are requested to allow the Mayor, or his designee, to enter into an Agreement with the Montezuma Economic Development Corporation dba College Neighborhoods for an amount not to exceed \$7,500 for the College Area Community Garden, College Area Neighborhoods Home Tour, and College Area Neighborhoods Art Fair.

COUNCILMEMBER EMERALD'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2014-379)

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 Montezuma Economic Development Corporation dba College Neighborhoods in an amount not to exceed \$7,500 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 \$7,500 from the Community Projects, Programs and Services Budget Fund No. 100000, Cost Center 1109110009, 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.

Subitem-B: (R-2014-380)

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.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

\$7,500 in Community Projects, Programs and Services Funding from Fund No. 100000, Cost Center No. 1109110009 will be used for the College Area Community Garden, College Area Neighborhoods Home Tour, and College Area Neighborhoods Art Fair.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: N/A

Flores

Primary Contact\Phone: Marisa Berumen\619-236-7754

Secondary Contact\Phone: Ricardo Flores\619-236-6699

City Attorney Contact: Bradley, Catherine M.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

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

ITEM-S503: Rules and Economic Development Committee 2013 Year-End Report. (Citywide.)

STAFF'S RECOMMENDATION:

Request that the City Council receive the informational report.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

None with this item.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

The Committee on Economic Development and Intergovernmental Relations reviewed a draft version of the report and voted to forward the report to the City Council on December 11, 2013.

The following changes have been made to the report since it was presented to Committee:

Part I of the report has been updated to reflect:

- City Council approval of the Office of the City Attorney's request for outside legal services related to the Rural/Metro, Inc., bankruptcy on 12/10/2013.
- Committee discussion and action recommending approval of the 2014 Legislative Program on 12/11/2013.
- Committee action recommending approval of a Council resolution supporting open data on 12/11/2013.

Part II of the report has been updated to reflect:

- The Committee's discussion regarding the Proposed 2014-2016 Economic Development Strategy on 12/11/2013.
- The Committee's adopted recommendations relating to the formation of the City's Open Data Advisory Group on 12/11/2013.
- The continuation at the 12/11/2013 meeting of the discussion relating to Personnel hiring and recruitment, including a Performance Audit Report from the City Auditor and a report from the Office of the Independent Budget Analyst.

ACTION: Motion by Councilmember Alvarez, second by Council member Faulconer, to move the Rules and Economic Development Committee Year-End report to the City Council.

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

Bukalova

Primary Contact\Phone: Dominika Bukalove\619-533-5906

Secondary Contact\Phone: Maureen Kantner\619-236-6972

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS
RESOLUTIONS:

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

ITEM-S504: Extension of Contract for Maintenance and Operation of Electric Vehicle Charging Stations. (Citywide.)

ITEM DESCRIPTION:

Authorizing the Council President, in his capacity under Charter Section 265(i), or his designee, to extend the contract with Blink Network, LLC, for the maintenance and operation of the Electric Vehicle (EV) charging stations for up to one additional year (through December 31, 2014) to evaluate whether the City should continue to operate these stations.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2014-348)

Authorizing the Council President, in his capacity under Charter Section 265(i), or his designee, to execute, for and on behalf of the City, an amendment to the Agreement that would extend the term of the Agreement through December 31, 2014, and allow either party to terminate the Agreement at any time and for any reason upon thirty (30) days' written notice to the other party.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

There are no fiscal considerations except for minor administrative costs such as invoice management and staff time.

Please refer to the Report to City Council for additional information on this item.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

This item was heard by the City Council on October 2, 2012 (R-307721) and again by the City Council on June 25, 2013 (R-308298).

Westlake/Chadwick

Primary Contact\Phone: Jacques Chirazi\619-236-6326
Secondary Contact\Phone: Mike Westlake\619-446-5220
City Attorney Contact: Elliott, Mara W.

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

ITEM-S505: Results of November 19, 2013, Municipal Special Election for Mayor.

ITEM DESCRIPTION:

Adopt the following resolution:

Declaring the results of the Special Election held in the City of San Diego on November 19, 2013;

Declaring Kevin Faulconer and David Alvarez to be candidates for the Office of Mayor, in the Special Run-Off Election.

CITY CLERK'S RECOMMENDATION:

Adopt the following resolution:

(R-2014-344)

Declaring that the Council of the City of San Diego, finds and determines, pursuant to the provisions of Section 27.0411 of the San Diego Municipal Code, as follows:

I

The total number of votes cast in the Municipal Special Election was 242,747.

II

The total vote received by each candidate at the Municipal Special Election is as follow:

FOR MAYOR (filling the vacancy in the four-year term previously held by Bob Filner, who resigned, and expiring in December 2016):

KEVIN FAULCONER	101,953 VOTES (42.08%)
DAVID ALVAREZ	65,740 VOTES (27.13%)
NATHAN FLETCHER	58,355 VOTES (24.09%)
MICHAEL J. AGUIRRE	10,783 VOTES (4.45%)

LINCOLN PICKARD	1,144 VOTES (0.47%)
BRUCE COONS	1,012 VOTES (0.42%)
SINA "SIMON" MOGHADAM	748 VOTES (0.31%)
HUD COLLINS	647 VOTES (0.27%)
MICHAEL A. KEMMER	612 VOTES (0.25%)
HARRY DIRKS	434 VOTES (0.18%)
TOBIAH L. PETTUS	344 VOTES (0.14%)
FARRAH PIRAHANCHI (write-in)	5 VOTES (0.00%)
Total	241,777 VOTES (100%)

Kevin Faulconer and David Alvarez are hereby declared to be the two candidates receiving the highest number of votes and will advance to the Special Run-off Election.

III

Declaring that the City Clerk shall make public the results of the canvass of the Municipal Special Election by publication of a copy of this resolution.

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
City Attorney Contact: Spivak, Sharon B.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS
ORDINANCES TO BE INTRODUCED, READY FOR DISPENSING WITH THE READING
AND ADOPTION WITH RESOLUTIONS TO BE ADOPTED:

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

ITEM-S506: Calling the Special Run-Off Election for Mayor to be held on February 11, 2014.

CITY CLERK'S RECOMMENDATION:

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

Subitem-A: (O-2014-53)

Introduction and adoption of an Ordinance calling a Special Run-Off Election in the City of San Diego on Tuesday, February 11, 2014, for the purpose of electing a Mayor for the City of San Diego to fill the vacancy in the seat previously held by Bob Filner, who resigned.

NOTE: Subitem A is not subject to the Mayor's veto.

Subitem-B: (R-2014-560)

Regarding a Special Run-Off Election to be held in the City of San Diego on Tuesday, February 11, 2014, for the purpose of electing a Mayor for the City of San Diego;

Authorizing the Board of Supervisors of the County of San Diego to canvass the returns of the Special Run-off Election and is requested to conduct the election;

Requesting the Board of Supervisors of the County of San Diego to authorize and direct the Registrar of Voters of the County of San Diego to perform the following:

- (a) Furnish a tabulation of the number of registered voters in the City by precinct;
- (b) Examine and verify the signatures on nominating petitions;
- (c) Provide election materials in languages other than English in accordance with federal law;
- (d) Canvass the returns of the election, including absent voter ballots;
- (e) Furnish a tabulation of the number of votes given in the City by precinct; and

(f) Complete any and all tasks related to the legal conduct of this election as required of the City Clerk upon the request of the City Clerk or the City Council.

Directing the City Clerk, of the City of San Diego to file a certified copy of this Resolution with the Board of Supervisors and Registrar of Voters of the County of San Diego;

Authorizing the City Comptroller to reimburse the County of San Diego for the actual and direct cost of the services performed by the Registrar of Voters for the City of San Diego in connection with the election services herein described, provided that the City Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Declaring that the City of San Diego agrees to indemnify and to save free and harmless the County, its officers, agents, and employees from expense or liability, including reasonable attorney fees, as the result of an election contest initiated, pursuant to the California Elections Code Sections 16000 through 16900.

NOTE: Subitem B is not subject to the Mayor's veto.

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

City Attorney Contact: Spivak, Sharon B.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

RESOLUTIONS:

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

ITEM-S507: Appointment of Councilmembers to Outside Organizations for Calendar Year 2014.

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2014-382)

Appointing and confirming the following appointments of elected officials as representatives, alternates, and liaisons to outside boards, commissions, committees, and governmental agencies, to serve through December 2014, and until a successor is duly appointed and hereby confirmed:

Civic San Diego Liaison

- Council President Todd Gloria – Representative

Local Agency Formation Commission

- Councilmember Lorie Zapf – Representative
- Councilmember Sherri Lightner – Alternate

Otay Valley Regional Park Policy Committee

- Councilmember David Alvarez – Representative

SANDAG Board of Directors

- Vacant – Representative
- Council President Todd Gloria – Representative
- Councilmember Marti Emerald – First Alternate to vacant position
- Councilmember Myrtle Cole – Second Alternate to vacant position
- Councilmember Sherri Lightner – First Alternate to Council President Gloria
- Councilmember Lorie Zapf – Second Alternate to Council President Gloria

SANDAG Bayshore Bikeway Working Group

- Councilmember David Alvarez – Representative

SANDAG Borders Committee

- Councilmember David Alvarez – Representative
- Councilmember Mark Kersey – Alternate

SANDAG Executive Committee

- Council President Todd Gloria – Representative
- Councilmember Sherri Lightner – First Alternate
- Councilmember Marti Emerald – Second Alternate

SANDAG Public Safety Committee

- Councilmember Marti Emerald – Representative
- Councilmember Myrtle Cole – Alternate

SANDAG Regional Planning Committee

- Councilmember Lorie Zapf – Representative
- Councilmember Mark Kersey – Alternate

SANDAG Transportation Committee

- Council President Todd Gloria – Representative
- Councilmember Mark Kersey – Alternate

San Diego Consortium Policy Board

- Councilmember Myrtle Cole - First Representative and Alternating Chair
- Councilmember Scott Sherman - Alternate to Councilmember Cole
- Councilmember Marti Emerald - Second Representative
- Councilmember Lorie Zapf - Alternate to Councilmember Emerald

San Diego Metropolitan Transit System Board

- Councilmember David Alvarez – Representative
- Council President Todd Gloria – Alternate
- Councilmember Sherri Lightner – Representative, Executive Committee
- Councilmember Marti Emerald – Alternate, Executive Committee
- Councilmember Myrtle Cole – Representative, Taxi Cab Committee

San Diego River Conservancy

- Councilmember Lorie Zapf – Representative
- Vacant – Representative

San Dieguito River Valley Open Space JPA

- Councilmember Sherri Lightner – Representative
- Councilmember Mark Kersey – Representative

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS: N/A

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: N/A

Jurado-Sainz

Primary Contact\Phone: Jamie Fox\619-236-6330

City Attorney Contact: Bradley, Catherine M.