

[Click here to open printable agenda](#)

CITY OF SAN DIEGO COUNCIL DOCKET



COUNCIL PRESIDENT

Todd Gloria • Third District

COUNCIL PRESIDENT PRO TEM

Sherri Lightner • First District

COUNCILMEMBERS

Edward Harris • Second District

Myrtle Cole • Fourth District

Mark Kersey • Fifth District

Lorie Zapf • Sixth District

Scott Sherman • Seventh District

David Alvarez • Eighth District

Marti Emerald • Ninth District

**Andrea Tevlin
Independent
Budget Analyst**

**Jan Goldsmith
City Attorney**

**Liz Maland
City Clerk**

Council Chambers, 12th Floor, City Administration Building

Monday, April 14, 2014

**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
MONDAY, APRIL 14, 2014, AT 2:00 PM
CITY ADMINISTRATION BUILDING
COUNCIL CHAMBERS – 12TH FLOOR
202 “C” STREET
SAN DIEGO, CA 92101**

This information will be made available in alternative formats upon request, as required by the Americans with Disabilities Act (ADA), by contacting the City Clerk at (619) 533-4000 or <mailto:cityclerk@sandiego.gov>. Requests for disability-related modifications or accommodations required to facilitate meeting participation, including requests for auxiliary aids, services or interpreters, require different lead times, ranging from five business days to two weeks. Please keep this in mind and provide as much advance notice as possible in order to ensure availability. Assistive Listening Devices (ALDs) are available in Council Chambers upon request.

ROLL CALL

INVOCATION

PLEDGE OF ALLEGIANCE

NON-AGENDA PUBLIC COMMENT

Non-agenda public comment is taken on Tuesday pursuant to San Diego Municipal Code Section 22.0101, Rule 2.6.

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

UPDATES ON PENDING LEGISLATION (MAYOR'S OFFICE)

REQUESTS FOR CONTINUANCE

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

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

ITEM-200: Proposed Revisions to the Municipal Code Concerning the Approval of Purchase Requisitions and Contract Award Thresholds.

ITEM DESCRIPTION:

Purchasing and Contracting is recommending several revisions be made to the Municipal Code with regards to dollar thresholds for contracts and formal and informal bid processes.

STAFF'S RECOMMENDATION:

Introduce the following ordinance:

(O-2014-97)

Introduction of an Ordinance amending Chapter 2, Article 2, Division 5, of the San Diego Municipal Code, by amending Section 22.0505, and amending Chapter 2, Article 2, Division 32, of the San Diego Municipal Code, by amending Sections 22.3203, 22.3204, 22.3205, 22.3206, 22.3208, and 22.3210, relating to the Purchasing Agent's responsibilities and the procurement process to be used based on the estimated amount of the goods and services contract;

The ordinance amends Section 22.0505 of the San Diego Municipal Code, to allow the Purchasing Agent, head of each department, or designee, to approve requisitions for goods in an amount not to exceed \$25,000. All requisitions for goods in excess of \$25,000 must be authorized by the Purchasing Agent. The ordinance amends Section 22.3203, relating to the procurement process to be used based on the estimated amount of the goods and services contract as follows: (1) for contracts greater than \$25,000, but equal to or less than \$50,000, the Purchasing Agent is required to seek competitive prices either orally or in writing; (2) for contracts greater than \$50,000, but equal to or less than \$150,000, the Purchasing Agent may award the contract but must solicit written price quotations from at least five potential sources; and (3) for contracts greater than \$150,000, but equal to or less than \$1,000,000, the Purchasing Agent may award the contract only after advertising for sealed bids or proposals for a minimum of one day in the City official newspaper at least ten days before bids or proposals are due. Section 22.3204 is amended to prohibit the Purchasing Agent from subdividing two or more purchases of goods or services for an expenditure of \$150,000 or more if the purpose is to avoid the bidding requirements of the San Diego Municipal Code and the City Charter;

This ordinance amends Sections 22.3205 and 22.3206 to make non-substantive changes to conform the language and formatting. The ordinance amends Section 22.3208 to allow the Purchasing Agent to award contracts for \$25,000 or less without advertisement or a competitive bidding process. Section 22.3208 is amended further to allow annual blanket purchases orders for expenditures greater than \$25,000 without a competitive bidding process provided the expenditures are required by City forces for immediate completion of work in progress, not normally kept in City stores, and less \$150,000. Section 22.3210 is amended to increase the threshold dollar amount that the Purchasing Agent is allowed to award contracts for services to any agency or non-profit without City Council approval. This ordinance amends the threshold dollar amount from \$500,000 to \$1,000,000 per fiscal year.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

It is anticipated that there will be minimal impact to departmental budgets based on current workflow process. If OneSD system configuration changes are needed that are identified as being outside of the scope and capabilities of the OneSD team, there might be expenses associated with those modifications which cannot be quantified at this time.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

This item was heard by the Budget and Government Efficiency Committee on March 19, 2014.

ACTION: Motion by Council President Pro Tem Lightner, second by Council President Gloria, to forward the item to full City Council without a recommendation, pending the following additional information to be provided at Council:

- Better defined timelines on assessment review, IT infrastructure and internal controls
- Performance Measures recommended by staff
- Additional resources if needed in the FY 2015 budget
- Indication of where the internal controls will be placed in the internal controls implementation plan for OneSD based upon risk assessment.

VOTE: 3-0-1; Gloria-yea, Lightner-yea, Kersey-yea, Alvarez-absent.

A memorandum to Council addressing this information will be provided to Council members in advance of the City Council Meeting for this item.

Gakunga/Sturak

Primary Contact\Phone: Dennis Gakunga\619-236-7163
Secondary Contact\Phone: Kristina Peralta\619-236-6214
City Attorney Contact: Easton, Lara

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

RESOLUTIONS:

ITEM-201: Status of Undergrounding Conversion Program, Minor Updates to the 2009 Master Plan, and Approve the Next Group of Undergrounding Projects. (Citywide.)

ITEM DESCRIPTION:

This item presents the annual report to City Council regarding the status of the Utilities Undergrounding Program. Along with the report, the item identifies the 2012 list of proposed Rule 20A and Surcharge projects. Finally, the item identifies revisions to the 2009 Master Plan to reflect the status of current projects.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2014-558)

Accepting the report regarding the status of the City's Utilities Undergrounding Program (UUP), including the status of all allocated underground conversion projects, program expenditures, and underground conversion fund as provided by City staff in accordance with Council Policy 600-08, Section (D)(3);

Approving, per Council Policy 600-08, revisions to the 2009 Master Plan for 2011 California Public Utility Commission (CPUC) Rule 20A projects and 2011 Surcharge Program projects;

Approving a list of proposed Surcharge projects and projects that meet the criteria of the CPUC Interim Order, Decision No. 73078, Case No. 8209 (CPUC Rule 20A), in accordance with Council Policy 600-08, Section (B)(3)(a) and Section (B)(3)(b).

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

Status of 20A Component: For Calendar Year 2012, SDG&E had a required expenditure obligation of \$24,119,603; however, they reported expenditures of only \$14,537,165. As a result, SDG&E has a carry-forward expenditure obligation in 2013 of \$9,582,438. SDG&E's expenditure obligation for Calendar Year 2013 is \$13,372,586; when added to the 2012 carry-forward of \$9,582,438, the total Rule 20A expenditure obligation for Calendar Year 2013 is \$22,955,024.

Status of Underground Surcharge Fund: As of June 30, 2013, the Underground Surcharge Fund had a balance of \$54,911,380.54 including earned interest. In Fiscal Year 2014, \$49,091,916 of new revenue is budgeted.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

- December 11, 2001, Implement Undergrounding Surcharge, approved MOU with SDG&E to implement the Surcharge Program, establish Council Policy 600-08, and establish Surcharge Fund.
- November 27, 2006, Change reporting periods for Master Plan approval to every five years.
- April 20, 2010, Approved the 2009 Master Plan.

- This item was reviewed by the Committee on Environment on March 5, 2014, and forwarded to the full City Council.

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

VOTE: 3-0-1; Alvarez-yea, Sherman-yea, Zapf-absent, Emerald-yea.

Sturdevan/Heinrichs

Primary Contact\Phone: Hasan Yousef\619-533-3012, MS 608
Secondary Contact\Phone: Mario Reyes\619-533-7426, MS 608
City Attorney Contact: Ryan P. Kohut

CLOSED SESSION NOTICES, DISCLOSURE, AND PUBLIC COMMENT

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

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

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

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

PUBLIC NOTICES:

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-250: **Notice** of Pending Final Map Approval - Del Mar Mesa.

Notice is hereby given that the City Engineer has reviewed and will approve on the date of this City Council meeting that certain final map entitled "Del Mar Mesa" (T.M. No. 10114, PTS No. 334227) located on Mesa Norte Drive west of "Del Vino Court," in the AR-1-2 zone, within the Del Mar Community Plan, Council District 1, a copy of which is available for public viewing at the office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 PM, 10 calendar days from the date of this City Council meeting stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the map approval findings or need additional information about the map or your appeal rights, please feel free to contact Gregory P. Hopkins (619) 446-5291.

ITEM-251: Submission of Ballot Proposals for the November 4, 2014 Ballot.

**SUBMISSION OF BALLOT PROPOSALS
FOR THE NOVEMBER 4, 2014 BALLOT**

City Council Policy 000-21 establishes the procedure for submittal of ballot proposals. The Council Policy states that members of the public shall submit proposals to the City Clerk, who shall then transmit them promptly to Committee for review and comment. The proposals must be submitted in time to allow the City Clerk to list on the Council Docket, prior to the election, the ballot proposals which have been referred to Council following Committee review.

The City Clerk has established the following administrative guidelines for the November 4, 2014, election.

<u>DAY</u>	<u>DATE</u>	<u>DAYS BEFORE ELECTION</u>	<u>EVENT</u>
Tuesday	6/03/14	154	LAST DATE (5:00 p.m.) for public, departments and agencies to submit ballot proposals to City Clerk for review by Committee.
Wednesday	6/11/14	146	Committee review.
Monday	6/16/14	141	Council Docket (PUBLIC NOTICE) lists proposals referred by Committee.
Monday	6/23/14	134	Council adopts propositions for ballot; directs City Attorney to prepare ordinances.
Monday	7/14/14	113	Council adopts ordinances prepared by City Attorney.
Friday	8/08/14	88	Last day for City Clerk to file with Registrar of Voters all elections material.
Thursday	8/21/14	75	Last day to file ballot arguments with City Clerk.

If you have questions, please contact the Office of the City Clerk at (619) 533-4000.

ITEM-252: Qualcomm Stadium and Petco Park City Suites.

The list of ticket users for the City Suites at Qualcomm Stadium and Petco Park will be posted on the City Clerk's website quarterly. This information will also be available for viewing by the public in the Office of the City Clerk.

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT