

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, May 12, 2014

**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
MONDAY, MAY 12, 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
RESOLUTIONS:

ITEM-200: Approval of Police Holiday Pay Side Letter Agreement.

ITEM DESCRIPTION:

This item approves the Side Letter Agreement between the City and the San Diego Police Officers Association related to Holiday Pay.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2014-684)

Approving and ratifying the Side Letter Agreement to the Memorandum of Understanding (MOU) between the City and the San Diego Police Officers Association (POA), pursuant to the authority of the Meyers-Milias-Brown Act (MMBA) and Council Policy 300-06, which amends Article 8 of the MOU related to holiday pay and other terms and conditions of employment, as specified in the Side Letter Agreement.

NOTE: 6 votes required pursuant to Section 11.2 of the City Charter.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The City has budgeted \$3.2M for police recruitment and retention for Fiscal Year 2015.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

R-308476 - Approving the MOU with the San Diego Police Officers Association regarding terms and conditions of employment for Fiscal Years 2014 through 2018.

von Kalinowski/Sturak

Primary Contact\Phone: Judy von Kalinowski\619-236-6313, MS 56L
Secondary Contact\Phone: Karen DeCrescenzo\619-235-5802, MS 56L
City Attorney Contact: Dawson, Joan F.

ITEM-201: Establishment of overtime eligibility, employee representation units, and adoption of cafeteria plan for eligible employees.

ITEM DESCRIPTION:

This item establishes overtime eligibility of classifications in the Classified Service; adopts employee representation units, and authorizes the Cafeteria Benefits Plan and Flexible Benefit allotments for eligible employees for Fiscal Year 2015.

STAFF'S RECOMMENDATION:

Adopt the following resolutions:

Sub-item A: (R-2014-661)

Approving the job classifications in the City of San Diego's Classified Service that are eligible for premium or regular rate overtime compensation, effective July 1, 2014, through June 30, 2015, which are set forth in Personnel Manual Index Code H-4 (Addendum A: Overtime Compensation), which is Attachment A to this Resolution.

Sub-item B: (R-2014-665)

Declaring that the same classifications the City Council designated as appropriately assigned to employee representation units for Fiscal Year 2014, which are set forth in Attachment A to this Resolution, are designated as appropriately assigned to employee representation units for Fiscal Year 2015.

Sub-item C: (R-2014-662)

Declaring that pursuant to Section 14 of the Fiscal Year 2015 Salary Ordinance, the City Council adopts the Flexible Benefits Plan, which is Attachment A to this Resolution, for all designated eligible employees for Fiscal Year 2015;

Adopting the credits for flexible benefits for eligible employees under the Flexible Benefits Plan for Fiscal Year 2015, as set forth in Attachment B to this Resolution, and the amounts in Attachment B are the total amount of flexible benefits allotted for each eligible employee;

Authorizing the Mayor to execute Agreements with the appropriate organizations providing the benefits designated in the Flexible Benefits Plan;

Declaring that the funds appropriated for the Flexible Benefits Plan are as set forth in the Annual Appropriation Ordinance.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS: None.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

The Fiscal Year 2015 Salary Ordinance was introduced to City Council on April 15, 2014.

von Kalinowski/Sturak

Primary Contact\Phone: Judy von Kalinowski\619-533-6413

Secondary Contact\Phone: Mike Ismail\619-236-6742

City Attorney Contact: Story Parks, Roxanne

ITEM-202: Creation Of Underground Utility Districts Residential Blocks 1j, 1j Ph ii, 1m1, 2s2, and 8r. (Eastern Areas Community Plan Area. Skyline-Paradise Hills Community Plan Area. Mission Beach Community Plan Area. Districts 2, 4 and 9.)

ITEM DESCRIPTION:

In accordance with San Diego Municipal Code (SDMC), Chapter 6, Article 1, Division 5, Underground Utilities Procedural Ordinance, this action will create three new Underground Utility Districts. The Resolution will provide for undergrounding all overhead utilities within the newly created Districts.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2014-622)

Adoption of a Resolution calling a public hearing to determine whether the public health, safety or general welfare requires the formation of Underground Utility District in residential blocks of community areas in La Jolla, Mission Beach and Eggers Highlands financed through the City of San Diego Undergrounding Surcharge Fund;

Notice is hereby given that a public hearing will be held by the Council of the City of San Diego on June 23, 2014, at the hour of 2:00 PM in the Council Chambers of the City Administration Building, 202 C Street, San Diego, California, to determine whether the public health, safety and general welfare requires the removal of poles, overhead wires and associated overhead structures and the underground installation of wires and facilities for supplying electric, communication, community antenna television or similar or associated service in the Districts;

At such hearing all persons interested shall be given an opportunity to be heard and said hearing may be continued from time to time as may be determined by the City Council. The decision of the City Council as to the formation of the District as described above shall be final and conclusive;

Directing the City Clerk to notify all affected persons as defined in Chapter VI, Article I, Division 5, of the San Diego Municipal Code and each utility company concerned of the time and place of the hearing by following the procedure set forth in Chapter VI, Article I, Division 5, of the San Diego Municipal Code.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The estimated project cost of \$23,060,117 will be funded through the use of Undergrounding Surcharge Fund 200217. This estimate includes a construction cost of \$17,722,449 for electrical utility work within the public right-of-way and private property, and other indirect costs such as administration, archaeological monitoring, street light replacement, street resurfacing, and other related work estimated at \$5,337,668. These expenditures have been approved or will be approved by subsequent actions.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

City Council Resolution R-305773, approving the 2009 Master Plan for Utilities Undergrounding Program.

Report to City Council (12-084/R-306875) on July 31, 2012, regarding the Status of the Utilities Undergrounding Program and authorized staff to begin working on the Districts on this item.

McFadden/Heinrichs /hy

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. Gerrity

ITEM-203: Creation of Underground Utility Districts Hancock Street, Mission Boulevard, and 32nd Street. (Mission Hills, Pacific Beach, and Stockton Community Plan Areas. Districts 2 and 8.)

ITEM DESCRIPTION:

In accordance with San Diego Municipal Code (SDMC), Chapter 6, Article 1, Division 5, Underground Utilities Procedural Ordinance, this action will create three new underground Utility Districts. This Resolution will provide for undergrounding all overhead utilities within the newly created Districts.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2014-626)

Adoption of a Resolution calling a public hearing to determine whether the public health, safety or general welfare requires the Formation of Underground Utility District on Hancock Street, Mission Boulevard and 32nd Street, financed primarily through SDG&E annual allocation funds (Rule 20A - Case 8209);

Notice is hereby given that a public hearing will be held by the Council of the City of San Diego on June 23, 2014, at the hour of 2:00 P.M in the Council Chambers of the City Administration Building, 202 C Street, san Diego, California, to determine whether the public health, safety or general welfare requires the removal of poles, overhead wires and associated overhead structures and the underground installation of wires and facilities for supplying electric, communication, community antenna television or similar or associated service in the Districts described above;

At such hearing all persons interested shall be given an opportunity to be heard and said hearing may be continued from time to time as may be determined by the City Council. The decision of the City Council as to the formation of the District as described above shall be final and conclusive;

Directing the City Clerk to notify all affected persons as defined in Chapter VI, Article 1, Division 5, of the San Diego Municipal Code and each utility company concerned of the time and place of the hearing by following the procedure set forth in Chapter VI, article 1, Division 5, of the San Diego Municipal Code;

The City Council shall consider the information contained in the Mitigated Negative Declaration, Project No. 299805 to determine if they have been completed in compliance with CEQA, and state and local guidelines and regulations adopted pursuant thereto, and that said Mitigated Negative Declaration reflects the independent judgment of the City of San Diego as Lead Agency.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The estimated construction cost of \$2,230,041 for electrical utility work within the public right-of-way and private property, will be funded through the use of SDG&E Rule 20 (A) funds, as directed by the CPUC, Case 8209. Costs to convert AT&T and cable television are funded directly by AT&T and the cable companies per applicable CPUC tariffs and City agreements. Other indirect costs such as administration, archaeological monitoring, streetlight replacement, street resurfacing, and other related work is estimated at \$1,209,981 and will be funded through Undergrounding Surcharge Fund, contingent upon receipt of funds from SDG&E.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

City Council Resolution R-305773, approving the 2009 Master Plan for Utilities Undergrounding Program.

Report to City Council (12-084/R-306875) on July 31, 2012, regarding the Status of the Utilities Undergrounding Program and authorized staff to begin working on the Districts on this item.

McFadden/Heinrichs /hy

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. Gerrity

ITEM-204: Creation of Underground Utility Districts Residential Blocks 4Y, 6H, and 7G2. (Eastern Areas Community Plan Area. Skyline-Paradise Hills Community Plan Area. Mission Beach Community Plan Area. Districts 2, 4 and 9.)

ITEM DESCRIPTION:

In accordance with San Diego Municipal Code (SDMC), Chapter 6, Article 1, Division 5, Underground Utilities Procedural Ordinance, this action will create three new Underground Utility Districts. The Resolution will provide for undergrounding all overhead utilities within the newly created Districts.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2014-610)

Adoption of a Resolution calling a public hearing to determine whether the public health, safety or general welfare requires the formation of Underground Utility District Communities of Bay Park (project block 6H), Jamacha Lomita (project block 4Y) and Rolando (project block 7G2) financed through the City of San Diego Undergrounding Surcharge Fund;

Notice is hereby given that a public hearing will be held by the Council of the City of San Diego on June 23, 2014, at the hour of 2:00 PM in the Council Chambers of the City Administration Building, 202 C Street, San Diego, California, to determine whether the public health, safety and general welfare requires the removal of poles, overhead wires and associated overhead structures and the underground installation of wires and facilities for supplying electric, communication, community antenna television or similar or associated service in the Districts;

At such hearing all persons interested shall be given an opportunity to be heard and said hearing may be continued from time to time as may be determined by the City Council. The decision of the City Council as to the formation of the District as described above shall be final and conclusive;

Directing the City Clerk to notify all affected persons as defined in Chapter VI, Article I, Division 5, of the San Diego Municipal Code and each utility company concerned of the time and place of the hearing by following the procedure set forth in Chapter VI, Article I, Division 5, of the San Diego Municipal Code.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The estimated project cost of \$23,060,117 will be funded through the use of Undergrounding Surcharge Fund 200217. This estimate includes a construction cost of \$17,722,449 for electrical utility work within the public right-of-way and private property, and other indirect costs such as administration, archaeological monitoring, street light replacement, street resurfacing, and other related work estimated at \$5,337,668. These expenditures have been approved or will be approved by subsequent actions.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

City Council Resolution R-305773, approving the 2009 Master Plan for Utilities Undergrounding Program.

Report to City Council (12-084/R-306875) on July 31, 2012, regarding the Status of the Utilities Undergrounding Program and authorized staff to begin working on the Districts on this item.

McFadden/Heinrichs /hy

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. Gerrity

ITEM-205: Creation of Underground Utility Districts at Howard Avenue, Wightman Street, Hilltop Drive, Woodrow Avenue, Baker Street/Shawnee Road, Seminole Drive, and 25th Street. (North Park, Fairmont Village, Mount Hope, Jamacha Lomita, Bay Park, Rolando, and Otay Mesa West Community Plan Areas. Districts 2, 3, 4, 8 and 9)

ITEM DESCRIPTION

Create seven new Underground Utility Districts in accordance with San Diego Municipal Code (SDMC), Chapter 6, Article 1, Division 5, Underground Utilities Procedural Ordinance, and authorize the undergrounding of all overhead utilities within the newly created Districts.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2014-601)

Adoption of a Resolution calling a public hearing to determine whether the public health, safety or general welfare requires the formation of Underground Utility District on Howard Avenue, Wightman Street, Hilltop Drive, Woodrow Avenue, Baker Street/Shawnee Road, Seminole Drive, and 25th Street, through SDG&E Annual Allocation Funds *Rule 20A – Case 8209;

Notice is hereby given that a public hearing will be held by the Council of the City of San Diego on June 23, 2014, at the hour of 2:00 p.m. in the Council Chambers of the City Administration Building, 202 C Street, San Diego, California, to determine whether the public health, safety or general welfare requires the removal of poles, overhead wires and associated overhead structures and the underground installation of wires and facilities for supplying electric, communication, community antenna television or similar or associated service in the Districts described above;

At such hearing all persons interested shall be given an opportunity to be heard and said hearing may be continued from time to time as may be determined by the City Council. The decision of the City Council as to the formation of the District as described above shall be final and conclusive;

The City Clerk shall notify all affected persons as defined in Chapter VI, Article 1, Division 5, of the San Diego Municipal Code and each utility company concerned of the time and place of the hearing following the procedure set forth in Chapter VI, Article 1, Division 5, of the San Diego Municipal Code.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The estimated construction cost of \$6,694,408 for electrical utility work within the public right-of-way and private property will be funded through the use of SDG&E, Rule 20 (A) funds, as directed by the CPUC, Case 8209. Costs to convert AT&T and cable television are funded directly by AT&T and the cable companies per applicable CPUC tariffs and City agreements. Other indirect costs such as administration, archaeological monitoring, streetlight pole replacement, street resurfacing, and other related work is estimated at \$2,043,769 and will be funded through Undergrounding Surcharge Fund, contingent upon receipt of funds from SDG&E.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

City Council Resolution R-305773 approving the 2009 Master Plan for the Utilities Undergrounding Program.

Report to City Council 12-084/R-306875, dated July 31, 2012, regarding the Status of the Utilities Undergrounding Program and authorization to staff to begin working on the Districts included on this item.

McFadden/Heinrichs/hy

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

ADOPTION AGENDA, DISCUSSION, HEARINGS

NOTICED HEARINGS:

ITEM-206: Plum Street Vacation, Project No. 321105. (Peninsula Community Plan Area. District 2.)

ITEM DESCRIPTION:

The project proposes to vacate a portion of Plum Street located between Avenida De Portugal and Canon Street within the Peninsula Community Planning area.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2014-667)

Adoption of a Resolution vacating a portion of Plum Street (Right-of-Way Vacation No. 1121734 with reservation of Easement), Project No. 321105;

Vacating the Right-of-Way Vacation No. 1121734, as more particularly described in the legal description marked as Exhibit A and shown on Drawing No. 37492-B marked as Exhibit B, is ordered vacated subject to the following condition which is made a part of this resolution:

No permanent structure shall be constructed within the reserved drainage easement. Any proposed encroachment into this easement shall be approved to the satisfaction of the City Engineer.

Declaring that the easement reserved herein are in, under, over, upon, along, and across that portion of Plum Street vacated by this Resolution;

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:

All costs associated with the processing of this project are paid for through a deposit account maintained by the applicant.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: N/A

Vacchi/Villa/WZ

Primary Contact\Phone: William Zounes\619-687-5942, MS 501
Secondary Contact\Phone: Sandra Teasley\619-446-5271, MS 501
City Attorney Contact: Inga Lintvedt

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: 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-251: **Notice** of Pending Final Map Approval - San Diego Tech Center.

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 "San Diego Tech Center" (Planning Commission No. 4338-PC and V.T.M. 18547/PTS No. 1689) located at 9605-9855 Scranton Road and 10055-10075 Barnes Canyon Road, North of Morehouse Drive and West of Lusk Boulevard in the Mira Mesa Community Plan Area, in Council District 5, 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.

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT