

# 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, 12<sup>th</sup> Floor, City Administration Building**

**Monday, May 19, 2014  
2:00 PM and 6:00 PM**

**AGENDA FOR THE  
REGULAR COUNCIL MEETING OF  
MONDAY, MAY 19, 2014, AT 2:00 PM and 6:00 PM  
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](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.

Pursuant to California Senate Bill 343 (Section 54957.5(b) of the Brown Act), late-arriving documents related to City Council meeting agenda items which are distributed to the legislative body prior to and during the Council meeting are available for public review in the Office of the City Clerk on the second floor of the City Administration Building, 202 C Street, San Diego, CA 92101. This relates to those documents received after the agenda is publicly noticed and during the 72 hours prior to the start of the meeting. Please note: Approximately one hour prior to the start of the Council Meeting, the documents will be available just outside Council Chambers in the lobby of the 12th floor of the City Administration Building in a binder labeled “SB 343.” Late-arriving materials received during the City Council meeting are available for review by making a verbal request of City Clerk staff located in Council Chambers.

**ROLL CALL**

**INVOCATION**

**PLEDGE OF ALLEGIANCE**

**NON-AGENDA PUBLIC COMMENT WILL BE TAKEN AT 6:00 P.M.**

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 based on when the item was noticed to be heard.

PROCLAMATIONS/CEREMONIAL ITEMS

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

**The following items will be considered in the evening session which is scheduled to begin at 6:00 p.m.**

ITEM-20: Water Awareness Month.

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

Proclaiming May 2014, to be "Water Awareness Month" in the City of San Diego.

ITEM-21: TierraCanyon Girls Fastpitch Softball Day.

**PRESENTED BY COUNCILMEMBER SHERMAN:**

Proclaiming May 19, 2014, to be "TierraCanyon Girls Fastpitch Softball Day" in the City of San Diego.

**The following item will be considered in the afternoon session which is scheduled to begin at 2:00 p.m. (Rev. 5/16/14)**

ITEM-22: Emergency Medical Services Week.

**PRESENTED BY COUNCILMEMBER EMERALD:**

Proclaiming May 18-24, 2014, to be "Emergency Medical Services Week" in the City of San Diego.

**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-200: Ninth Amendment to Agreement with Metropolitan Transit System (MTS) for Administration of Taxicab Program. (Citywide.)

**ITEM DESCRIPTION:**

This action extends until June 30, 2019, the Agreement in which the San Diego Metropolitan Transit System (MTS) administers the City's regulatory program for taxicabs and other private for-hire transportation vehicles.

**STAFF'S RECOMMENDATION:**

Introduce the following ordinance:

(O-2014-111)

Introduction of an Ordinance authorizing the Mayor, or his designee, to execute, for and on behalf of the City, the Ninth Amendment to the Agreement with Metropolitan Transit System (MTS) for administration of taxicab and other for-hire vehicle regulations, under the terms and conditions set forth in the Agreement, together with any reasonably necessary modifications or amendments thereto which do not increase project scope or cost and which the Mayor shall deem necessary from time to time in order to carry out the purposes and intent of this project and Agreement.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

Metropolitan Transit System (MTS) administers the taxicab program at no cost to the City. Their actual costs are recovered through fees charged to permittees.

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

On June 27, 2013, the City Council approved the Eighth Amendment to the Agreement with MTS for Administration of Taxicab Program, which expires June 30, 2014.

McFadden/Heinrichs

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

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-201: Five-Year Agreement for Life and Accidental Death & Dismemberment coverage.

**ITEM DESCRIPTION:**

Award a five-year contract to The Hartford for Life and Accidental Death & Dismemberment (AD&D) coverage. The City provides Basic Life and AD&D benefits to employees ranging from \$10,000 to \$50,000 depending on the employee's represented bargaining group. Portable term insurance is also offered to employees and their dependents on a voluntary basis. The cost for the portable term coverage is paid by the employees that have elected that coverage.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2014-700 Cor. Copy) (Rev. 5/16/14)

Approving the Contract between the City of San Diego and The Hartford, to provide Life and AD&D insurance for a term of five years, in a total amount not to exceed \$2.05 million, of which an estimated \$154,791 per year of the contract will be paid by the City of San Diego for the basic life insurance benefit at the current FTE allocation;

Directing and authorizing the Mayor, or his designee, to execute the Contract;

Declaring that the actions here are contingent upon the adoption of the Annual Appropriations Ordinance for the applicable fiscal year and upon the Chief Financial Officer first furnishing one or more certificates, stating that funds necessary for authorized expenditures are, or will be, on deposit with the City Treasurer;

Authorizing the Chief Financial Officer to expend the specified amounts under the Contract, with the total amount for the Contract not to exceed \$2.05 million, with the expenditures to be made according to the most current available FTE allocation schedule.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

This action does not require additional funding. Funding for this coverage is already included in the approved FY 2015 budget. The total estimated cost per year for Basic and Portable Term coverage will be \$2,005,251 of which it is estimated that \$154,791 per year will be paid by the City.

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

None. Direct docketing requested.

Bych/Lewis

Primary Contact\Phone: Nancy Stadille\619-236-6575, MS 51B  
City Attorney Contact: Gersten, William

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

ITEM-202: Proposed Response to Grand Jury Report entitled "Updating San Diego's City Charter: A Recommendation to Amend the Charter's Provisions Related to Removal of Elected Officials." (Citywide.)

**ITEM DESCRIPTION:**

1. Approve and adopt the Proposed City Council Response to the 2013/2014 San Diego County Grand Jury Report entitled "Updating San Diego's City Charter: A Recommendation to Amend the Charter's Provisions Related to Removal of Elected Officials" (which was filed March 13, 2014) as prepared by the Independent Budget Analyst.
2. Authorize and direct the City Council President, on behalf of the City Council, to execute and deliver the response to the Presiding Judge of the Superior Court by June 11, 2014.

**INDEPENDENT BUDGET ANALYST'S RECOMMENDATION:**

Adopt the following resolution:

(R-2014-699)

Declaring that the City Council approves and adopts as its own the response to the 2013-2014 San Diego County Grand Jury Report titled "Updating San Diego's City Charter: A Recommendation to Amend the Charter's Provisions Related to Removal of Elected Officials," as set forth in Independent Budget Analyst (IBA) Report No. 14-12, dated April 22, 2014;

Authorizing and directing the Council President, on behalf of the San Diego City Council, to execute and deliver the above-described response to the Presiding Judge of the San Diego County Superior Court no later than June 11, 2014.

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

**SUPPORTING INFORMATION:**

FISCAL CONSIDERATIONS: N/A

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

This item was presented at the Economic Development and Intergovernmental Relations Committee meeting on April 30, 2014.

**ACTION:** Motion by Councilmember Kersey, second by Councilmember Harris, to forward the proposed response to the full Council with a recommendation for approval.

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

There were no changes to this item.

Kawar

Primary Contact\Phone: Lisa Byrne\619-236-5917

Secondary Contact\Phone: Jeff Kawar\619-533-4764

City Attorney Contact: Spivak, Sharon B.

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

ITEM-203: Appointments to the Planning Commission.

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2014-570)

Council confirmation of the following appointments by the Mayor of the City of San Diego, to serve as members of the Planning Commission, for the terms ending as indicated:

**NAME**

**TERM ENDING**

Douglas H. Austin  
(East Village, District 3)  
(Filling the seat previously held by Michael C. Smiley)

January 28, 2018

James E. Whalen  
(Ocean Beach, District 2)  
(Filling the seat previously held by Eric Naslund)

January 28, 2018

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

**The following item will be considered in the evening session which is scheduled to begin at 6:00 p.m.**

ITEM-204: Public Hearing and City Council Discussion on the Mayor's Proposed Fiscal Year 2015 Budget.

**NOTE:** Please see the following link to review the Mayor's Fiscal Year 2015 Proposed Budget:

<http://www.sandiego.gov/fm/proposed/index.shtml>

**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<br/>BEFORE<br/>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 - Metropolitan Air Park.

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 "Metropolitan Air Park" (T.M. Waiver No. 1099991, PTS No. 319302) located on Otay Mesa Road, between Heritage Road and La Media Road, in the R-301263 zone, within the Otay Mesa, Council District 8, 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-252: **Notice** of Pending Final Map Approval - 4221-4231 Idaho Street Condominiums.

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 "4221-4231 Idaho Street Condominiums" (T.M. No. 1104370, PTS No. 359069) located on Idaho Street, between Howard Avenue and El Cajon Boulevard, in the R-301263 zone, within the Greater North Park, Council District 3, 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