

# 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**

**Tuesday, June 24, 2014**

**AGENDA FOR THE  
REGULAR COUNCIL MEETING OF  
TUESDAY, JUNE 24, 2014, 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.

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.

**~~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. (Rev. 6/20/14)~~**

**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:

05/12/2014  
05/13/2014

PROCLAMATIONS/CEREMONIAL ITEMS

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

ITEM-30: Lt. James Filley Day.

**PRESENTED BY COUNCIL PRESIDENT PRO TEM LIGHTNER:** (Rev. 6/20/14)

Proclaiming June 29, 2014, to be "Lieutenant James Filley Day" in the City of San Diego.

ITEM-31: 2014 Marine Corps Law Enforcement Foundation Day.

**PRESENTED BY COUNCILMEMBER HARRIS:**

Proclaiming June 24, 2014, to be "2014 Marine Corps Law Enforcement Foundation Day" in the City of San Diego.

ITEM-32: Captain Tony McElroy Day.

**PRESENTED BY COUNCILMEMBER COLE AND COUNCILMEMBER EMERALD:**

Proclaiming June 24, 2014, to be "Captain Tony McElroy 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-33: 28th Annual La Jolla Festival of the Arts Days.

**COUNCIL PRESIDENT PRO TEM LIGHTNER'S RECOMMENDATION:**

Proclaiming June 21, 2014, and June 22, 2014, to be "28th Annual La Jolla Festival of the Arts Days" in the City of San Diego.

ITEM-34: Frank Konyn Dairy Day.

**COUNCILMEMBER KERSEY'S RECOMMENDATION:**

Proclaiming June 5, 2014, to be "Frank Konyn Dairy 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.

ADOPTION AGENDA, CONSENT ITEMS  
ORDINANCES TO BE INTRODUCED:

- \* ITEM-50: Continued Retention of Hawkins, Delafield & Wood LLP as City General Disclosure Counsel.

**ITEM DESCRIPTION:**

This ordinance would approve the retention of Hawkins, Delafield & Wood LLP for a period of five-years to serve as the City's General Disclosure Counsel. This ordinance would also approve the expenditure of up to \$250,000, Citywide and allocated on an FTE basis, to fund General Disclosure Counsel Services.

**CITY ATTORNEY'S RECOMMENDATION:**

Introduce the following ordinance:

(O-2014-100)

Introduction of an Ordinance authorizing and directing the Mayor, or his designee, to execute, for and on behalf of the City of San Diego, an Agreement with Hawkins Delafield and Wood LLP, to provide General Disclosure Counsel Services;

Authorizing the City Comptroller to expend an amount up to \$250,000 for General Disclosure Counsel Services allocated on an FTE basis;

Authorizing and directing the City Comptroller to allocate other funding sources among appropriate bond finance projects, as may be required based upon actual billings.

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

**SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

This Agreement would require expenditures up to \$250,000 to be allocated Citywide on an FTE basis.

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

- On February 5, 2009, the City Council approved the current Agreement with Hawkins via Ordinance No. O-19826, including funding in an amount up to \$180,000.
- On February 17, 2012, the City Council authorized additional funding in an amount up to \$50,000.
- On March 12, 2013, the City Council authorized additional funding in an amount not to exceed \$40,000.

Bamberg

Primary Contact\City Attorney Contact\Phone: Brant C. Will\619-533-5684, MS 59

- \* ITEM-51: Reimbursement Agreement for Project No. 43-21 & U-4, Little McGonigle Ranch Road Pipeline, Phases II and V in Del Mar Mesa and Pacific Highlands Ranch Communities; Waivers of San Diego Municipal Code Section 22.3202 and Council Policy 300-07. (Del Mar Mesa and Pacific Highlands Ranch Community Areas. District 1.)

**ITEM DESCRIPTION:**

Requesting approval of the Reimbursement Agreement for Project No. 43-21 and U-4, Little McGonigle Ranch Road Pipeline, Phases II and V in Del Mar Mesa and Pacific Highlands Ranch communities with Waivers of San Diego Municipal Code Section 22.3202 and Council Policy 300-07.

**STAFF'S RECOMMENDATION:**

Introduce the following ordinance:

(O-2014-122)

Introduction of an Ordinance authorizing the Mayor to execute, for and on behalf of the City, a Reimbursement Agreement with Pardee Homes for the purchase, design, and construction of Project 43-21 and U-4, Little McGonigle Ranch Road Pipeline, Phases II and V, in the Del Mar Mesa and Pacific Highlands Ranch communities, under the terms and conditions set forth in the Agreement;

Waiving San Diego Municipal Code Section 22.3202 and Council Policy 300-07, Consultant Services Selection, with respect with those consultants with whom Pardee entered into a contract for the Project at least two years prior to the effective date of the Agreement and in accordance with the terms and conditions set forth in the Agreement;

Authorizing the Chief Financial Officer to appropriate and expend an amount not to exceed \$4,300,000 from CIP 70-640.0/S-00069, Little McGonigle Ranch Road Pipeline, Fund No. 400090, Pacific Highlands Ranch FBA, consistent with the timing established in the most recently adopted Del Mar Mesa Financing Plan and Pacific Highlands Ranch Financing Plan, and contingent upon the Chief Financial Officer furnishing one or more certificate(s) certifying that funds necessary for expenditure are, or will be, on deposit in the City Treasury;

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

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

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

With approval of this action, Pardee Homes' anticipated costs to deliver the Little McGonigle Ranch Road Pipeline, Phases II and V will be reimbursed from the Pacific Highlands Ranch FBA fund. These costs are incorporated into the budget for this project and are included in the FY 2013 Pacific Highlands Ranch Public Facilities Financing Plan and Facilities Benefit Assessment. Funds for reimbursement to the developer are anticipated to become available starting in FY 2015.

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

On May 14, 2014, the Infrastructure Committee reviewed and recommended the Reimbursement Agreement be forwarded to the City Council.

**ACTION:** Motion by Councilmember Emerald, second by Councilmember Sherman, to forward staff's recommendation to City Council.

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

Fulton/Villa

Primary Contact\Phone: Frank January\619-533-3699, MS 606F  
Secondary Contact\Phone: Scott Mercer\619-533-3676, MS 606F  
City Attorney Contact: Mendoza, Hilda R. (Rev. 6/19/14)

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

- \* ITEM-52: Exemption of a Program Manager position in the Department of IT from the classified service, as approved by the Civil Service Commission on April 10, 2014.

**ITEM DESCRIPTION:**

This action is to exempt one Program Manager position from the classified service in the Department of Information Technology. Under the direction of the Information Technology Data Sourcing Manager, this position will be responsible for managing the City's contracts and operations for network, voice, and data services.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 6/10/2014, Item 50. (Council voted 8-0. Council President Gloria not present):

(O-2014-108)

Declaring that the Council has received and reviewed a Memorandum from Personnel Director Hadi Dehghani, dated April 14, 2014, which documents that, on April 10, 2014, 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 Program Manager position in the Department of Information Technology, who will be responsible for managing the City's contracts and operations for network, voice, and data at an enterprise level; driving performance and stability for the City's network and voice services; building effective relationships with the vendors and City departments to maximize value and meet business requirements; directly managing the contracts for the vendors that provide the network and voice services that are delivered citywide and the processes in the Department for network service delivery; and recommending policy and procedural changes to comply with best practices;

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 Program Manager position in the Department of Information Technology, performing the duties set forth in the April 14, 2014, Memorandum from Personnel Director Hadi Dehghani to the Honorable Council President and City Council.

- \* ITEM-53: Second Amendment to Memorandum of Understanding (MOU) with Metropolitan Transit System (MTS) for Bus Shelter and Bus Bench Advertising. (Citywide.)

**ITEM DESCRIPTION:**

This action authorizes an extension until December 31, 2024, of a Memorandum of Understanding (MOU) with the San Diego Metropolitan Transit System (MTS) for advertising on bus shelters and bus benches at bus stops on City streets. The existing MOU was approved by the City Council on July 29, 2008. The First Amendment, approved on June 27, 2013, extended the MOU until June 30, 2014.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 6/10/2014, Item 51. (Council voted 8-0. Council President Gloria not present):

(O-2014-103)

Authorizing and directing the Mayor to execute, for and on behalf of the City, the Second Amendment to the Memorandum of Understanding (MOU) with San Diego Metropolitan Transit System (MTS), under the terms and conditions set forth in the Second Amendment, 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.

**ADOPTION AGENDA, CONSENT ITEMS  
RESOLUTIONS:**

- \* ITEM-100: Request to Waive Portion of the Council Policy for Certain Mills Act Applicants. (La Jolla, Uptown, Greater Golden Hill, Greater North Park, and Peninsula Community Areas. Districts 1, 2, and 3.)

**ITEM DESCRIPTION:**

Request to waive a portion of Council Policy 700-46 as it relates to the required deadline for designation by December 31, and the Mills Act application deadline of March 31, for 10 specified properties.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2014-812)

Declaring that the Council Policy 700-46 historical designation hearing deadline of December 31st, and the submittal of a Mills Act application deadline of March 31st are waived to allow the following properties the opportunity to qualify for Mills Act Agreements in 2014: 7727-7729 Lookout Drive, 3565 3rd Avenue, 2323 Broadway, 4460 Hermosa Way, 1614 Torrance Street, 3125 Bancroft Street, 5905 Camino De La Costa, 1949 Paseo Dorado, 541 Silvergate Avenue, and 2630 Chatsworth Boulevard;

Declaring that no other provisions of Council Policy 700-46 are waived and the subject properties must otherwise qualify for a Mills Act Agreement to be approved.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

If the 10 properties for the Mills Act are approved, it will have a slight reduction on the revenue received from property taxes.

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

Fulton/Graham

Primary Contact\Phone: Jodie Brown\619-533-6300, MS 413

Secondary Contact\Phone: Cathy Winterrowd\619-235-5317, MS 501

City Attorney Contact: Neuffer, Corrine L.

\* ITEM-101: Settlement of property damage claim of 15th & Market Investors LP for damage occurring on March 6, 2013. (Sherman Heights Community Area. District 3.)

**ITEM DESCRIPTION:**

Settlement of property damage caused by Cast Iron water main break which occurred on March 6, 2013.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2014-797)

Authorizing the sum of \$94,815.98 to be paid from the Water Utility Operating Fund, Fund 700011, in full and final 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 property damage claim of 15th & Market Investors LP;

Authorizing the Chief Financial Officer to expend the amount of \$94,815.98 from the Water Utility Operating Fund, Fund 700011, 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 one check in the amount of \$94,815.98 made payable to 15th & Market Investors LP.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

Settlement amount of \$94,815.98 will be paid from the Water Utility Operating Fund 700011.

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

The item was approved at Closed Session on April 15, 2014.

Bych/Lewis

Primary Contact\Phone: James Coldren\619-236-5598, MS 51B

Secondary Contact\City Attorney\Phone: Stacy J. Plotkin-Wolff\619-236-6486, MS 59

\* ITEM-102: Settlement of property damage claim of 15th & Market Investors LP for damage occurring on February 20, 2013. (Sherman Heights Community Area. District 3.)

**ITEM DESCRIPTION:**

Settlement of property damage caused by Cast Iron water main break which occurred on February 20, 2013.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2014-798)

Authorizing the sum of \$395,626.64 to be paid from the Water Utility Operating Fund, Fund 700011, in full and final 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 property damage claim of 15th & Market Investors LP;

Authorizing the Chief Financial Officer to expend the amount of \$395,626.64 from the Water Utility Operating Fund, Fund 700011, 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 one check in the amount of \$395,626.64 made payable to 15th & Market Investors LP.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

Settlement amount of \$395,626.64 will be paid from the Water Utility Operating Fund 700011.

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

The item was approved at Closed Session on April 15, 2014.

Bych/Lewis

Primary Contact\Phone: James Coldren\619-236-5598, MS 51B

Secondary Contact\City Attorney\Phone: Stacy J. Plotkin-Wolff\619-236-6486, MS 59

\* ITEM-103: Appointments and Reappointments to the Historical Resources Board.

**MAYOR FAULCONER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2014-738 Cor. Copy) (Rev. 6/19/14)

Council confirmation of the following appointments and reappointments by the Mayor of the City of San Diego, to serve as members of the Historical Resources Board, for terms expiring as indicated:

<b><u>NAME</u></b>	<b><u>CATEGORY</u></b>	<b><u>TERM ENDING</u></b>
Guy Asaro (Scripps Ranch, District 5) (Filling the seat previously held by Priscilla Ann Berge, who is termed out)	General Real Estate	March 1, 2015
Michael Baksh (Scripps Ranch, District 5) (Reappointment)	Archaeologist	March 1, 2015
Alex Bethke (Serra Mesa, District 7) (Reappointment)	History	March 1, 2016
Gail Garbini (Talmadge, District 9) (Reappointment)	Landscape Architect	March 1, 2015
Richard Larimer (Coronado) (Reappointment)	Architect	March 1, 2016
Tim Hutter (Rancho Peñasquitos, District 6) (Filling the seat previously held by Maria Curry, who is termed out (Rev. 6/19/14)	General/Law	March 1, 2016

Carol Neidenberg (University Heights, District 3) (Filling the seat previously held by Abel Silvas, who is termed out)	General Member	March 1, 2015
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Linda Marrone (La Jolla, District 1) (Reappointment) (Rev. 6/19/14)	General/Real Estate	March 1, 2015
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Dr. Ann Woods (National City) (Reappointment)	Architectural History Professional	March 1, 2015
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Evelyn Zepeda Rivera (Talmadge, District 9) (Reappointment)	Fine Arts	March 1, 2016
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Declaring that pursuant to Council Policy 000-13, for purposes of deliberation and consideration of appointments, it is determined that Richard Larimer and Dr. Ann Woods are residents of San Diego County, but not the City of San Diego, and have unique qualifications to serve as members of the Board; therefore, conscious exceptions to Council Policy 000-13 are hereby declared.

\* ITEM-104: Appointments and Reappointments to the International Affairs Board.

**MAYOR FAULCONER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2014-739)

Council confirmation of the following appointments and reappointments by the Mayor of the City of San Diego, to serve as members of the International Affairs Board, for terms expiring as indicated:

<b><u>NAME</u></b>	<b><u>TERM ENDING</u></b>
Emiliano Aragon (Santee) (Filling the seat previously held by Pamela Thorsch)	March 1, 2016
Deborah Flores (Linda Vista, District 7) (Reappointment)	March 1, 2016
Rachel Lim (University City, District 1) (Filling the seat previously held by Donovan Geiger)	March 1, 2016
Bob Morris (Bankers Hill, District 3) (Reappointment)	March 1, 2016

Declaring that pursuant to Council Policy 000-13, for purposes of deliberation and consideration of appointment, it is determined that Emiliano Aragon is a resident of San Diego County, but not the City of San Diego, and has unique qualifications to serve as a member of the Board; therefore, a conscious exception to Council Policy 000-13 is hereby declared.

\* ITEM-105: Appointment of the City's Management Team for the purpose of Meeting and Conferring with the City's recognized Employee Organizations.

**ITEM DESCRIPTION:**

This item approves the City's Management Team for the purpose of Meeting and Conferring with the City's recognized Employee Organizations.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2014-809 Cor. Copy 2) (Rev. 6/19/14)

Declaring that pursuant to California Government Code Sections 3505 and 54957.6(a), City Council Policy 300-06, and other applicable state and local laws and regulations, the Council designates the representatives on the Management Team for Fiscal Year 2015 negotiations with the City's recognized Employee Organizations, and authorizes these representatives to participate in meet and confer, taking Council-approved bargaining positions, to execute any tentative agreements and Memoranda of Understanding reached in meet and confer, and to present all tentative agreements and Memoranda of Understanding reached in meet and confer to the Council for final determination and approval by the Council as to policy and the City Attorney as to legality, as follows:

Timothy Burke, Williams, & Sorensen LLP, Labor Negotiation Consultant  
Scott Chadwick, Chief Operating Officer  
Mary Lewis, Chief Financial Officer  
Stacey LoMedico, Assistant Chief Operating Officer  
David Graham, Deputy Chief Operating Officer  
Tony Heinrichs, Deputy Chief Operating Officer  
Ron Villa, Deputy Chief Operating Officer  
Jaymie Bradford, Deputy Chief of Staff, Office of the Mayor  
Mike Hansen, Director of Land Use and Environmental Policy, Office of the Mayor  
Almis Udrys, Director of Government Affairs, Office of the Mayor  
Barbara Lamb, Program Manager (Rev. 6/19/14)  
Judy von Kalinowski, Human Resources Director  
Joy Freeman, Human Resources Deputy Director  
Karen DeCrescenzo, Senior Human Resources Officer  
Abby Jarl, Senior Human Resources Officer  
Gina Conrad, Human Resources Officer  
Darrin Schwabe, Human Resources Officer  
Anthony Austin, Human Resources Officer  
Victoria Davidson, Human Resources Officer

Greg Bych, Risk Management Director  
Estella Montoya, Risk Management Deputy Director  
Nancy Stadille, Employee Benefits Manager, Risk Management  
Elena Perez, Financial Operations Manager, Office of the City Comptroller  
Javier Mainar, Fire Chief, Fire-Rescue Department  
Kenneth Barnes, Assistant Fire Chief, Fire-Rescue Department  
Brian Fennessy, Assistant Fire Chief, Fire-Rescue Department  
Rick Wurts, Lifeguard Chief, Fire-Rescue Department  
Shelley Zimmerman, Police Chief, Police Department  
Sarah Creighton, Assistant Police Chief  
Tanya Tomlinson, Deputy Director, City Attorney's Office, solely for negotiations with the Deputy City Attorneys Association

Designating the following individuals from the Office of the Independent Budget Analyst as representatives within the meaning of California Government Code Section 54957.6(a) to attend Closed Session meetings of the Council, and to serve in the capacity as observers at "meet and confer" sessions, but they are not designated as members of the Management Team as defined by City Council Policy 300-06:

Andrea Tevlin, Independent Budget Analyst  
Jeff Kawar, Deputy Director, Office of the Independent Budget Analyst  
Lisa Byrne, Fiscal and Policy Analyst, Office of the Independent Budget Analyst  
Chris Olsen, Fiscal and Policy Analyst, Office of the Independent Budget Analyst

Designating the following individuals from the Office of the City Attorney as representatives within the meaning of California Government Code Section 54957.6(a) to attend Closed Session meetings of the Council; to perform legal work, as required by Charter Section 40; and to serve in the capacity as observers at "meet and confer" sessions, but they are not designated as members of the Management Team as defined by City Council Policy 300-06:

Paul Cooper, Executive Assistant City Attorney, City Attorney's Office  
Mary Nuesca, Assistant City Attorney, City Attorney's Office  
John Hemmerling, Chief Deputy City Attorney, City Attorney's Office  
Joan Dawson, Deputy City Attorney, City Attorney's Office  
Roxanne Story Parks, Deputy City Attorney, City Attorney's Office  
William Gersten, Deputy City Attorney, City Attorney's Office  
Greg Halsey, Deputy City Attorney, City Attorney's Office

**STAFF SUPPORTING INFORMATION:**

FISCAL CONSIDERATIONS: None.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: N/A

von Kalinowski/Villa

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.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS  
RESOLUTIONS:

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

ITEM-330: Fiscal Year 2015 Tax Appropriations Limit (Gann Limit).

**ITEM DESCRIPTION:**

Resolution approving the establishment of the Fiscal Year 2015 Tax Appropriations Limit (Gann Limit) in the amount of \$1,929,603,239.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2014-815)

Establishing the following Tax Appropriations Limit for the City of San Diego, pursuant to the authority of California Government Code, Division 9, Title 1 (Sections 7900 *et seq.*):

Established for Fiscal Year 2015	\$1,929,603,239
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Certifying that, pursuant to the requirements of Section 7910 of the California Government Code, the documents upon which the Tax Appropriations Limit herein established has been determined, have been made available for public information and review 15 days prior to the meeting at the Office of the City Clerk.

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

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

It is recommended that the highest adjustment factor of 1.1199 be used for establishing the Fiscal Year 2015 Tax Appropriations Limit. Selecting the other three (lower) adjustment factors would result in a lower Tax Appropriations Limit which would lower the base used for the calculation of the limit in future years and thus could lower the City's ability to appropriate tax revenues. Subsequently, the use of 1.1199 as the adjustment factor will result in a Tax Appropriations Limit for Fiscal Year 2015 of \$1,929,603,239.

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

Since the inception of the Gann Initiative in 1979, the City Council has adopted a Tax Appropriations Limit annually.

Canizal/Lewis

Primary Contact\Phone: Irina Kumits\619-235-5714  
Secondary Contact\Phone: Matt Vespi\619-236-6882  
City Attorney Contact: Will, Brant C.

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

ITEM-331: Economic Development Strategy 2014-2016. (Citywide.)

**ITEM DESCRIPTION:**

This Economic Development Strategy lays the foundation for sustained economic recovery and fiscal stability for the City of San Diego. San Diego's economic base has evolved from one which was almost entirely dependent on the operation of large military installations and the provision of services to tourists to one which includes high-technology manufacturing and international trade. The City's highly-skilled labor force, pleasant Mediterranean climate, and unique proximity to Mexico and the Pacific Rim provide comparative advantages for businesses which are already established in the City as well as those which are considering investment in San Diego. These advantages, at least for some business types, outweigh the well-known disadvantages associated with California's business climate.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2014-814)

Accepting the Economic Development Strategy and finding that it represents the City's plan for achieving economic growth and fiscal stability for the period of 2014, through 2016;

Authorizing the Mayor, or his designee, to implement the Economic Development Strategy.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

There are no fiscal impacts associated with this action.

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

- The Committee on Rules, Open Government, and Intergovernmental Relations discussed the efforts of staff to provide an updated EDS on March 24, May 19, and October 20, 2010, and again on June 22, 2011, each time following a staff presentation from the Mayor's Office of Economic Growth Services (EGS). The Committee requested that staff continue to work expeditiously on the EDS and return to the Committee with a draft for its consideration.
- On January 30, 2012, an initial draft EDS was presented to the Committee on Economic Development and Strategies which evaluated and discussed the draft, but took no action at that time.

- On October 8, 2012, this Committee heard a presentation from the Office of the City Auditor regarding its evaluation of the initial EDS draft brought forward by EGS, and requested that staff return to the Committee with a revised draft EDS in January of 2013. The Committee requested that the revised draft EDS include the recommendations provided in the Performance Audit of the Economic Development Program.
- On October 22, 2012, this Committee evaluated a report from the Independent Budget Analyst (IBA) regarding the development of the EDS entitled: Comprehensive Economic Development Strategy: Possible Goals for Committee Consideration and Inclusion into the Strategy, discussed a presentation on related City Council Policies by EGS, presented its own Year-End Report and First Year Recommendations, and recommended to Council certain Amendments to Council Policy 900-01 “Economic Development.”
- On November 28, 2012, the City Council considered and approved the proposed Amendments to Council Policy 900-01, which prescribe specific policy direction and structure for the EDS.
- On January 30, 2013, the Committee on Rules and Economic Development heard a presentation from the Office of the City Auditor regarding its Performance Audit of the Economic Development Program and the IBA’s Comprehensive Economic Development Strategy: Possible Goals for Committee Consideration and Inclusion into the Strategy.
- On April 9, 2014, the Economic Development and Intergovernmental Relations Committee recommended approval of the EDS to the full Council with the following direction:

Get legal review of the EDS from the City Attorney.  
Provide next steps regarding implementation, esp. Roundtables.  
Identify top funding priorities for implementation of the EDS.  
Provide an overview timeline for implementation.  
Provide suggestions for the 2017 update of the EDS.

This additional direction from the Economic Development and Intergovernmental Relations Committee will be addressed by City Staff in the Staff presentation for this item.

**ACTION:** Motion by Councilmember Emerald, second by Councilmember Kersey, to forward the Economic Development Strategy 2014-2016, to the City Council for adoption, with the following direction:

- Request that staff continue to work with the City Attorney’s Office to review the proposed draft to ensure that a full legal review is conducted prior to Council consideration, and that the strategy is updated as appropriate based on the outcome of any pending or potential litigation.
- Request that staff provide further clarity regarding next steps about proposed roundtables and an estimated timeline for upcoming meetings.

- Prior Committee direction included a request that staff identify any top priorities for the FY15 budget and provide an estimate of any additional funding needed or desired to implement the plan.
- Request that staff provide an overview of the timeline regarding implementation next steps to develop the tools and programs that are listed as objectives and action items.
- Request that staff include any suggestions for the 2017 update of the Strategy.

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

Westlake/Chadwick

Primary Contact\Phone: Russ Gibbon\619-236-6350

Secondary Contact\Phone: Bill Fulton\619-236-6057

City Attorney Contact: Skogen, Daphne Z.

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

ITEM-332: Atmosphere Loan Recommendation and Atmosphere II Preliminary Bond Items.  
(District 3.)

**ITEM DESCRIPTION:**

Approval of certain actions to facilitate new construction of a 205-unit affordable rental housing development structured as two projects, to be located at 1453 4th Avenue, San Diego, 92101, including for (i) Atmosphere I, approval of a \$3,000,000 San Diego Housing Commission residual receipts loan, and for (ii) Atmosphere II, take the initial steps for the Housing Authority of the City of San Diego to issue tax-exempt multifamily housing revenue bonds.

**SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:**

Adopt the following resolution:

(R-2014-808)

Declaring by the City Council of the City of San Diego, as the applicable elected representative under Section 147(f) of the Internal Revenue Code of 1986, approves the issuance of not to exceed \$28,750,000 aggregate principal amount of multifamily housing revenue bonds, in one or more series issued from time to time, including bonds issued to refund such revenue bonds in one or more series from time to time (Bonds) by the Housing Authority of the City of San Diego (Authority) for Atmosphere II;

Declaring that the City does not warrant the creditworthiness of the Bonds or guarantee, in any way, the payment of the Bonds. No moneys of the City will be pledged or applied to the repayment of the Bonds;

Declaring that a Final Environmental Impact Report Consistency Evaluation was prepared in accordance with suggested best practices outlined in State of California Environmental Quality Act (CEQA) Guidelines Sections 15162 and 15168 on April 10, 2013, concluding that the environmental impacts of the Project were adequately addressed and therefore, no further environmental documentation is required under CEQA;

Declaring that: (i) a “Finding of No Significant Impact” was made in August 2013, in accordance with the requirements of 24 CFR Section 58.71 of the National Environmental Policy Act (NEPA); (ii) authorization for the use of grant funds was issued by the U.S. Department of Housing and Urban Development on January 23, 2014; and (iii) the approval of supplemental assistance in the form of HOME funds was categorically excluded under NEPA on May 20, 2014, pursuant to 24 CFR Section 58.35(b)(7).

**SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

The proposed funding sources and uses approved by this action were included in the proposed FY 2015 Budget. Approving this action will not change the FY 2015 Budget. Please refer to staff report for further information.

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

- On June 18, 2013, pursuant to Civic’s City Council Report No. CSD-13-08, and Resolution R-308242, the City Council approved funding the Atmosphere Affordable Housing Development.
- This item is scheduled to be heard at the June 20, 2014, Housing Commission meeting.

Davis/Graham

Primary Contact\Phone: Ann Kern\619-578-7582

City Attorney Contact: Bartolotta, Bret A.

**NOTE:** See the Housing Authority Agenda of June 24, 2014, for a companion item.

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-333: Formation of Five Kensington/Talmadge Maintenance Assessment Districts.  
(Kensington/Talmadge Community Plan Area. District 9.)

**NOTE:** First heard at the meeting of April 29, 2014, Item 330.

**ITEM DESCRIPTION:**

This City Council action is to start the process to form five new maintenance assessment districts (MADs) to construct and maintain lighting improvements in the public right-of-ways within the Kensington/Talmadge Community. These five MADs would be known as Kensington Heights, Kensington Manor, Kensington Park - North, Talmadge Park - North, and Talmadge Park South MADs in Fiscal Year 2015. Under the guidelines of Proposition 218, all property owners receiving a direct and special benefit from the improvements within the district have an opportunity to vote in favor or in opposition to the formation of this maintenance assessment districts. This request for new district formations is community driven.

**STAFF'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2014-824) (Rev. 6/19/14)

Adoption of a Resolution considering the protests, confirming the assessments, and ordering the improvements, maintenance, and services in the matter of the Kensington Heights Maintenance Assessment District;

The assessment ballots have been tabulated and it is determined that no majority protest exists;

The District is ordered formed;

The assessments described in the Engineer's Report, on file in the Office of the City Clerk as Document No. RR-308911, are hereby confirmed and are authorized to be levied annually within the range of assessments described in the Engineer's Report;

Pursuant to San Diego Municipal Code Section 65.0227, the validity these assessments and the formation of the District shall not be contested in any action or proceeding unless the action is commenced within thirty calendar days after the final passage of this Resolution;

The Assessment District Map for the District contained in the Engineer's Report is hereby confirmed;

The improvements, maintenance, and services described in the Engineer's Report are hereby ordered performed;

The adoption of this Resolution hereby constitutes the levy of the assessments for the period of July 1, 2014, through June 30, 2015, (Fiscal Year 2015);

The Annual Budget for the District is adopted for Fiscal Year 2015;

The Chief Financial Officer is authorized to establish an interest-bearing fund for the District;

The Chief Financial Officer is authorized to appropriate and expend from the District fund once it is established, consistent with the Engineer's Report and all applicable District Budgets, contingent upon the City Comptroller certifying that the funds necessary for expenditure are, or will be, available.

Subitem-B: (R-2014-820) (Rev. 6/19/14)

Adoption of a Resolution considering the protests, confirming the assessments, and ordering the improvements, maintenance, and services in the matter of the Kensington Manor Maintenance Assessment District;

The assessment ballots have been tabulated and it is determined that no majority protest exists;

The District is ordered formed;

The assessments described in the Engineer's Report, on file in the Office of the City Clerk as Document No. RR-308912, are hereby confirmed and are authorized to be levied annually within the range of assessments described in the Engineer's Report;

Pursuant to San Diego Municipal Code Section 65.0227, the validity these assessments and the formation of the District shall not be contested in any action or proceeding unless the action is commenced within thirty calendar days after the final passage of this Resolution;

The Assessment District Map for the District contained in the Engineer's Report is hereby confirmed;

The improvements, maintenance, and services described in the Engineer's Report are hereby ordered performed;

The adoption of this Resolution hereby constitutes the levy of the assessments for the period of July 1, 2014, through June 30, 2015, (Fiscal Year 2015);

The Annual Budget for the District is adopted for Fiscal Year 2015;

The Chief Financial Officer is authorized to establish an interest-bearing fund for the District;

The Chief Financial Officer is authorized to appropriate and expend from the District fund once it is established, consistent with the Engineer's Report and all applicable District budgets, contingent upon the City Comptroller certifying that the funds necessary for expenditure are, or will be, available.

Subitem-C: (R-2014-821) (Rev. 6/19/14)

Adoption of a Resolution considering the protests, confirming the assessments, and ordering the improvements, maintenance, and services in the matter of the Kensington Park North Maintenance Assessment District;

The assessment ballots have been tabulated and it is determined that no majority protest exists;

The District is ordered formed;

The assessments described in the Engineer's Report, on file in the Office of the City Clerk as Document No. RR-308913, are hereby confirmed and are authorized to be levied annually within the range of assessments described in the Engineer's Report;

Pursuant to San Diego Municipal Code Section 65.0227, the validity these assessments and the formation of the District shall not be contested in any action or proceeding unless the action is commenced within thirty calendar days after the final passage of this Resolution;

The assessment district map for the District contained in the Engineer's Report is hereby confirmed;

The improvements, maintenance, and services described in the Engineer's Report are hereby ordered performed;

The adoption of this Resolution hereby constitutes the levy of the assessments for the period of July 1, 2014, through June 30, 2015, (Fiscal Year 2015);

The Annual Budget for the District is adopted for Fiscal Year 2015;

The Chief Financial Officer is authorized to establish an interest-bearing fund for the District;

The Chief Financial Officer is authorized to appropriate and expend from the District fund once it is established, consistent with the Engineer's Report and all applicable District budgets, contingent upon the City Comptroller certifying that the funds necessary for expenditure are, or will be, available.

Subitem-D: (R-2014-822) (Rev. 6/19/14)

Adoption of a Resolution considering the protests, confirming the assessments, and ordering the improvements, maintenance, and services in the matter of the Talmadge Park-North Maintenance Assessment District;

The assessment ballots have been tabulated and it is determined that no majority protest exists;

The District is ordered formed;

The assessments described in the Engineer's Report, on file in the Office of the City Clerk as Document No. RR-308915, are hereby confirmed and are authorized to be levied annually within the range of assessments described in the Engineer's Report;

Pursuant to San Diego Municipal Code Section 65.0227, the validity these assessments and the formation of the District shall not be contested in any action or proceeding unless the action is commenced within thirty calendar days after the final passage of this Resolution;

The Assessment District Map for the District contained in the Engineer's Report is hereby confirmed;

The improvements, maintenance, and services described in the Engineer's Report are hereby ordered performed;

The adoption of this Resolution hereby constitutes the levy of the assessments for the period of July 1, 2014, through June 30, 2015, (Fiscal Year 2015);

The Annual Budget for the District is adopted for Fiscal Year 2015;

The Chief Financial Officer is authorized to establish an interest-bearing fund for the District;

The Chief Financial Officer is authorized to appropriate and expend from the District fund once it is established, consistent with the Engineer's Report and all applicable District Budgets, contingent upon the City Comptroller certifying that the funds necessary for expenditure are, or will be, available.

Subitem-E: (R-2014-823) (Rev. 6/19/14)

Adoption of a Resolution considering the protests, confirming the assessments, and ordering the improvements, maintenance, and services in the matter of the Talmadge Park-South Maintenance Assessment District;

The assessment ballots have been tabulated and it is determined that no majority protest exists;

The District is ordered formed;

The assessments described in the Engineer's Report, on file in the Office of the City Clerk as Document No. RR-308912, are hereby confirmed and are authorized to be levied annually within the range of assessments described in the Engineer's Report;

Pursuant to San Diego Municipal Code Section 65.0227, the validity these assessments and the formation of the District shall not be contested in any action or proceeding unless the action is commenced within thirty calendar days after the final passage of this Resolution;

The assessment district map for the District contained in the Engineer's Report is hereby confirmed;

The improvements, maintenance, and services described in the Engineer's Report are hereby ordered performed;

The adoption of this Resolution hereby constitutes the levy of the assessments for the period of July 1, 2014, through June 30, 2015, (Fiscal Year 2015);

The Annual Budget for the District is adopted for Fiscal Year 2015;

The Chief Financial Officer is authorized to establish an interest-bearing fund for the District;

The Chief Financial Officer is authorized to appropriate and expend from the District fund once it is established, consistent with the Engineer's Report and all applicable District Budgets, contingent upon the City Comptroller certifying that the funds necessary for expenditure are, or will be, available.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

Proposed Assessment to Property Owners:

Kensington Heights	\$40,802
Kensington Manor	\$24,690 (External Benefit \$579)
Kensington Park-North	\$17,407 (External Benefit \$354)
Talmadge Park-North	\$10,858
Talmadge-South	\$16,605 (External Benefit \$441)

General Benefit/External Benefits approximate total \$1,374. The maximum authorized assessment is proposed to be indexed annually to the San Diego Regional Consumer Price Index-Urban (CPI-U). The City owns a total of five parcels resulting in no initial General Fund impact.

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

Tomlinson/Chadwick /ps

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Secondary Contact\Phone: Rosa Lopez\619-685-1316, MS 5D  
City Attorney Contact: Daphne Z. Skogen

**NON-DOCKET ITEMS**

**ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES**

**ADJOURNMENT**