

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

Tuesday, July 15, 2014

**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
TUESDAY, JULY 15, 2014, AT 10:00 AM
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.

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.

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:

05/26/2014 - Adjourned
05/27/2014 - Adjourned
06/02/2014 - Adjourned
06/03/2014 - Adjourned

PROCLAMATIONS/CEREMONIAL ITEMS

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

ITEM-30: Lesbian, Gay, Bi-Sexual, and Transgender Pride Month.

PRESENTED BY COUNCIL PRESIDENT GLORIA:

Proclaiming July 2014, to be Lesbian, Gay, Bi-Sexual, and Transgender Pride Month in the City of San Diego.

ITEM-31: Glenn Farber Day.

PRESENTED BY COUNCILMEMBER SHERMAN:

Proclaiming July 15, 2014, to be "Glenn Farber Day" in the City of San Diego.

ITEM-32: Marion Sciré Day.

PRESENTED BY COUNCILMEMBER ALVAREZ:

Proclaiming July 15, 2014, to be "Marion Sciré Day" in the City of San Diego.

ITEM-33: Commemorating the 30th Anniversary of the San Ysidro McDonald's Massacre.

PRESENTED BY COUNCILMEMBER ALVAREZ:

Commemorating the 30th Anniversary of the San Ysidro McDonald's Massacre in the City of San Diego.

NOTE: The following Proclamation will NOT be presented in Council Chambers. It will be approved by Unanimous Consent unless pulled for discussion.

ITEM-34: 10th Annual Somali-American Cultural Festival Day.

COUNCILMEMBER COLE'S RECOMMENDATION:

Proclaiming June 26, 2014, to be the "10th Annual Somali-American Cultural Festival 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 INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING
WITH THE READING AND ADOPTION:

- * 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 COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 6/24/2014, Item 50. (Council voted 9-0):

(O-2014-100)

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.

- * ITEM-51: Approval of an Economic Development Agreement with JDZ Inc., a California Corporation dba AleSmith Brewing Company. (Mira Mesa Community Area. District 6.)

ITEM DESCRIPTION:

Authorize the Mayor to enter into an Economic Development Agreement with JDZ Inc., dba AleSmith Brewing Company to reimburse the company for fees paid (or to be paid) to the City in connection with the improvement of a shuttered factory building in Mira Mesa. The source of funding for the reimbursement of the company's fee costs would be future tax revenues to be paid into the General Fund by the company as a result of real property improvements and the operation of a beer manufacturing plant with a retail component.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 6/23/2014, Item S400. (Council voted 8-0. Council President Gloria not present):

(O-2014-127)

Authorizing the Economic Development Agreement with JDZ Inc., dba Alesmith Brewing Company and approving certain related actions;

Finding that the attraction of investment from AleSmith resulting from the financial assistance offered in the Agreement, as well as the anticipated retention and creation of important middle-wage job opportunities, generation of new tax revenues, and other economic public benefits, will serve public purposes and are in the best interests of the City;

Finding that the AleSmith's proposed project meets the necessary public benefit criteria enumerated in Council Policy 900-12 to therefore justify the provision of financial assistance under the Incentive Program, such as the reimbursement of AleSmith's development fees from project-generated tax revenues;

Authorizing and directing the Mayor, or his designee, to execute the Agreement on the City's behalf and to take any and all actions necessary to implement the Agreement;

Authorizing the Chief Financial Officer to appropriate and expend funds as required per the terms of the Agreement, contingent upon adoption of future Fiscal Year Appropriation Ordinances by the City Council and the Chief Financial Officer certifying that funds are available, and provided that AleSmith has delivered sufficient documentation to the City substantiating AleSmith's payment of local sales and use taxes or local property taxes, of which the City receives a shared portion, to the State of California or the County of San Diego.

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

* ITEM-52: 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.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 6/24/2014, Item 51. (Council voted 9-0):

(O-2014-122)

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.

* ITEM-53: Approval of an Economic Development Agreement with Home Brew Mart, Inc., a California Corporation dba as Ballast Point Brewing & Spirits Company. (Mira Mesa Community Area. District 6.)

ITEM DESCRIPTION:

Authorize the Mayor to enter into an Economic Development Agreement with Ballast Point Brewing & Spirits Company to reimburse the company for fees paid (or to be paid) to the City in connection with the improvement of a vacant factory building in Mira Mesa. The source of funding for the reimbursement of the company's fee costs would be future tax revenues to be paid into the General Fund by the company as a result of real property improvements and the operation of a beer manufacturing plant with a retail component.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 6/23/2014, Item 151. (Council voted 8-0. Council President Gloria not present):

(O-2014-126)

Declaring that the Council finds the attraction of investment from Ballast Point resulting from the financial assistance offered in the Agreement, as well as the anticipated retention and creation of important middle-wage job opportunities, generation of new tax revenues, and other economic public benefits, will serve public purposes and are in the best interests of the City;

Declaring that the Council finds the Ballast Point's proposed project meets the necessary public benefit criteria enumerated in Council Policy 900-12 to therefore justify the provision of financial assistance under the Incentive Program, such as the reimbursement of Ballast Point's development fees from project-generated tax revenues;

Authorizing and directing the Mayor, or his designee, to execute the Agreement on the City's behalf and to take any and all actions necessary to implement the Agreement;

Authorizing the Chief Financial Officer to appropriate and expend funds as required per the terms of the Agreement, contingent upon adoption of future Fiscal Year Appropriation Ordinances by the City Council and the Chief Financial Officer certifying that funds are available, and provided that Ballast Point has delivered sufficient documentation to the City substantiating Ballast Point's payment of local sales and use taxes or local property taxes, of which the City receives a shared portion, to the State of California or the County of San Diego.

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

- * ITEM-54: California Department of Public Health Safe Drinking Water State Revolving Fund Loan Application for the University Avenue Pipeline Replacement Project - Request for increase \$3.4 million. (Citywide. District 3.)

ITEM DESCRIPTION:

Council authorization to submit an application to, accept, appropriate, and expend funds from the California Department of Public Health (CDPH) - Safe Drinking Water State Revolving Fund (SDWSRF) for the University Avenue Pipeline Replacement Project, Project No. 3710020-066; and take related actions. The requested loan is for 20 years at 2.085% interest.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 7/1/2014, Item 332. (Council voted 9-0):

(O-2014-128)

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City of San Diego, a \$18,700,000 Safe Drinking Water State Revolving Fund (SDWSRF) Loan, Funding Agreement, Amendments, Reimbursement Claims, Final Release Form, and to take related actions in connection with the University Avenue Pipeline Replacement Project;

Authorizing the Mayor, or his designee, to dedicate revenues from the City's Water Fund rates, charges, financing proceeds and assessments on parity with all other parity obligations of the Water Enterprise Fund in an amount sufficient to repay the SDWSRF Loan for the Project, and this dedication shall remain in full force and effect until such Funding Agreements are fully discharged unless modification or change of such dedication is approved by the State of California Department of Public Health, and if for any reason said sources of revenue prove insufficient to satisfy the debt service of the SDWSRF Loan, sufficient funds shall be raised through increased water rates, user charges, or assessments or any other legal means available to meet this loan obligation and to operate and maintain this Project;

Authorizing the City Engineer or other registered engineer designated by the Mayor, to execute the Budget and Expenditure Summary, Claim Reimbursement, and Certificate of Project Completion forms;

Authorizing the City Engineer or other registered engineer designated by the Mayor, to certify that the Project is complete and ready for final inspection;

Authorizing the Chief Financial Officer to apply for, accept, and expend an amount up to \$18,700,000 in State Revolving Fund loan funds for reimbursement to the Water Fund, contingent on the City Comptroller certifying that funds are available and contingent upon the loan being secured;

Authorizing the \$18,700,000 SDWSRF loan to be repaid over twenty years at a rate of 2.085 percent interest.

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

**ADOPTION AGENDA, CONSENT ITEMS
ORDINANCES TO BE INTRODUCED:**

- * ITEM-55: Third Amendment to the Agreement with Roesling Nakamura Terada Architects Inc., for the La Jolla Cove Lifeguard Station. (La Jolla Community Area. District 1.)

ITEM DESCRIPTION:

This action is to approve the Third Amendment to the Agreement with Roesling Nakamura Terada Architects Inc., for the La Jolla Cove Lifeguard Station. This Amendment will provide design modification to the main observation tower.

STAFF'S RECOMMENDATION:

Introduce the following ordinance:

(O-2014-102)

Introduction of an Ordinance authorizing the Mayor, or his designee, to execute, for and on behalf of the City, a Third Amendment to the Agreement with Roesling Nakamura Terada Architects Inc., for the Professional Architectural Services in CIP S-00792, La Jolla Cove Lifeguard Station, in an amount not to exceed \$45,375, for the purpose of completing the La Jolla Cove Lifeguard Station, under the terms and conditions set forth in the Agreement;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$45,375 from CIP S-00792, La Jolla Cove Lifeguard Station Project, Fund 400848, Def. Maint 2012A-Proj., for the purpose of executing this Amendment to the Agreement;

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

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The preliminary phase was set at \$83,865; the First Amendment increased the contract by \$75,000, the Second Amendment increased the contract by \$25,000. This Third Amendment will increase the contract by \$45,375, of which \$11,000 is for additional services, for a total contract amount of \$229,240. Funds are available in CIP S-00792, La Jolla Cove Lifeguard Station, Fund 400848, Def. Maint 2012A-Proj.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

On May 04, 2010, the First Amendment to Agreement with Roseling Nakamura Terada Architects, Inc., for La Jolla Cove Lifeguard Station Project was approved by City Council O-2010-83 and the Second Amendment was approved on September 18, 2012, by City Council O-20193.

This action was heard by the Infrastructure Committee meeting on June 25, 2014.

ACTION: Motion by Councilmember Emerald, second by Councilmember Cole, to forward staff's recommendation to the full City Council.

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

Nagelvoort/Heinrichs

Primary Contact\Phone: Mark Nassar\619-533-6600, MS 908A
Secondary Contact\Phone: Jihad Sleiman\619-533-7532, MS 908A
City Attorney Contact: Mercer, Mark M.

* ITEM-56: Non-Exclusive Solid Waste Collection Franchise Amendments.

ITEM DESCRIPTION:

Adopt an ordinance to authorize the execution of Amendments to Franchise Agreements with private haulers that provide solid waste collection services within the City of San Diego. Amendments will address a one-year extension, increase of performance bond, and additional language regarding fee requirements, responsibilities, and definitions.

STAFF'S RECOMMENDATION:

Introduce the following ordinance:

(O-2014-123)

Introduction of an Ordinance authorizing and directing the Mayor, or his designee, to execute, for and on behalf of the City, Seventh Amendments to the Class I Non-Exclusive Franchise Agreements for Solid Waste Management Services with the Class I franchisees listed on the attached Exhibit A (except for Daily Disposal Services) under the terms and conditions set forth in the Seventh Amendment;

Authorizing and directing the Mayor, or his designee, to execute, for and on behalf of the City, Sixth Amendments to the Class II Non-Exclusive Franchise Agreements for Solid Waste Management Services with the Class II franchisees listed on the attached Exhibit A under the terms and conditions set forth in the Sixth Amendment;

Authorizing an directing the Mayor, or his designee, to execute, for and on behalf of the City, a Fifth Amendment to the Class I Non-Exclusive Franchise Agreement for Solid Waste Management Services with Daily Disposal Services under the terms and conditions set forth in the Fifth Amendment.

NOTE: 6 votes required pursuant to Charter Section 103.

STAFF SUPPORTING INFORMATION

FISCAL CONSIDERATIONS:

This action does not have any impact on franchise fees.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

- Ordinance adopting last Franchise Amendments was approved July 9, 2013.
- On June 25, 2014, the Environment Committee reviewed this item and recommended approval by the full City Council.

ACTION: Motion by Councilmember Zapf, Second by Councilmember Harris to approve staff recommendation.

VOTE: 4-0; Alvarez-yea, Zapf-yea, Harris-yea, Emerald-yea.

Sierra/Heinrichs

Primary Contact\Phone: Samuel Merrill\858-573-1253

Secondary Contact\Phone: Rochelle Monroe\858-573-1298

City Attorney Contact: Lowenberg, Grace C.

- * ITEM-57: Second Amendment to Agreement with AECOM Technical Services, Inc., for As-Needed Facilities Benefit Assessment Project Audits and Cost Verification Review; Waivers of San Diego Municipal Code Section 22.3202 and Council Policy 300-07. (Various Communities. Various Districts.)

ITEM DESCRIPTION:

Requesting approval of the second Amendment to the Consultant Agreement with AECOM Technical Services, Inc., for As-Needed Facilities Benefit Assessment Project Audits and Cost Verification Review. The Amendment will increase the consultant contract amount from \$750,000 to \$1,750,000, and waive the Competitive Bidding requirements under San Diego Municipal Code Section 22.3202 and Council Policy 300-07.

STAFF'S RECOMMENDATION:

Introduce the following ordinance:

(O-2014-134)

Introduction of an Ordinance authorizing the Mayor, or his designee, to execute the Second Amendment to Agreement by and between the City of San Diego and AECOM Technical Services Inc., in an amount not to exceed \$1,750,000, under the terms and conditions set forth in the Agreement;

Declaring that San Diego Municipal Code Section 22.3202 and Council Policy 300-07, Consultant Services Selection, are hereby waived with respect to AECOM and the Agreement;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$1,750,000, solely and exclusively, for the purpose of providing funds for the above Agreement, contingent upon the Chief Financial Officer furnishing one or more certificates certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

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

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The consultant services will be funded by the Impact Fee Program, or Subdivider deposit account, appropriate for that facility or community (i.e. FBA, DIF, RTCIP, etc.), contingent upon the Chief Financial Officer furnishing a certificate certifying that the funds are, or will be, on deposit with the City Treasurer. The total compensation for services provided under the Agreement is for an amount not to exceed \$1,750,000. The original and First Amendment approved a total of \$750,000, and \$725,000 has been committed to date for individual task orders.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

On June 25, 2014, the Infrastructure Committee reviewed and recommended this Second Amendment to the Agreement be forwarded to the City Council, including language to waive the competitive bidding requirements pursuant to San Diego Municipal Code 22.3202 and Council Policy 300-07. The item has been revised to reflect that direction.

ACTION: Motion by Councilmember Emerald, second by Councilmember Cole, to forward staff's recommendation and amend the language on Item 1 to include waiving the competitive bidding requirements pursuant to San Diego Municipal Code Section 22.3202 and Council Policy 300-07.

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

Fulton/Villa

Primary Contact\Phone: Diane Murbach/619-533-3673, MS 606F
Secondary Contact\Phone: Tom Tomlinson/619-533-3187, MS 56D
City Attorney Contact: Mendoza, Hilda R.

* ITEM-58: Second Amendment to Agreement with Estrada Land Planning. (Citywide.)

ITEM DESCRIPTION:

The Professional Services Agreement with Estrada Land Planning provides landscape architectural design services for the preparation of construction documents, construction support services and the preparation of various reports. This item will amend the contract with Estrada Land Planning to extend duration of the contract for an additional 3 years bringing the total contract duration to 8 years for a new expiration date of September 4, 2017.

STAFF'S RECOMMENDATION:

Introduce the following ordinance:

(O-2014-116)

Introduction of an Ordinance authorizing the Mayor, or his designee, to execute, for and on behalf of the City, the Second Amendment to the As-Needed Landscape Architectural Design Services Agreement with Estrada Land Planning to extend the Agreement by an additional 36 months (three years), for the purpose of completing the open task orders for various Capital Improvement Projects, 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.

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

STAFF SUPPORTING INFORMATION

FISCAL CONSIDERATIONS: None.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

- On September 1, 2009, the City entered into an Agreement with Estrada Land Planning to provide As-Needed Landscape Architectural Design Services.
- On August 2, 2012, the contract was amended to extend the duration by 2 years.
- This item was heard at the Infrastructure Committee meeting on June 25, 2014.

ACTION: Motion by Councilmember Emerald, second by Councilmember Cole, to forward staff's recommendation to the full City Council.

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

Nagelvoort/Heinrichs

Primary Contact\Phone: Darren Greenhalgh\619-533-3616, MS 612

Secondary Contact\Phone: Jim Shamloufard\619-533-3160, MS 612

City Attorney Contact: Rae, Christina L.

* ITEM-59: Second Amendment to Agreement with Platt/Whitelaw Architects, Inc. (Citywide.)

ITEM DESCRIPTION:

This action will amend the contract with Platt/Whitelaw Architects Inc., to extend the duration of the contract for an additional three years to bring the total contract duration to eight years and will increase the total compensation from \$3,000,000 to \$3,200,000. The Professional Services Agreement with Platt/Whitelaw Architects Inc., provides architectural design services for the preparation of construction documents, construction support services and the preparation of various reports.

STAFF'S RECOMMENDATION:

Introduce the following ordinance:

(O-2014-133)

Introduction of an Ordinance authorizing the Mayor, or his designee, to execute, for and on behalf of the City, the Second Amendment to the As-Needed Architectural Design Services Agreement with Whitelaw/Platt Architects Inc., to extend the duration of the Agreement by an additional 36 months (three years) and add an amount not to exceed \$200,000 to the Agreement for the purpose of completing the open task orders for various Capital Improvement Projects 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;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$200,000 over the additional three years, contingent upon the adoption of the of the Annual Appropriation Ordinance for the applicable fiscal year, and contingent upon the Chief Financial Officer furnishing one or more certificates certifying that the funds necessary for this expenditure are, or will be, on deposit in the City Treasurer.

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

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The Chief Financial Officer will expend an additional amount not to exceed \$200,000 for a total of \$3,200,000 over the additional three years for a total of eight years for as needed professional services. Funding for this agreement will be contingent on the adoption of the Annual Appropriation Ordinance for all applicable fiscal years, and the Chief Financial Officer furnishing one or more certificates certifying that the funds necessary for expenditure under the established contract funding phases are, or will be, on deposit with the City Treasurer.

PREVIOUS COUNCILAND/OR COMMITTEE ACTION:

- On September 1, 2009, the Council entered into an Agreement with Platt/Whitelaw Architects Inc., to provide As-Needed Architectural Design Services.
- This item was heard at the Infrastructure Committee on June 25, 2014.

ACTION: Motion by Councilmember Emerald, second by Councilmember Cole, to forward staff's recommendation to the full City Council

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

Nagelvoort/Heinrichs

Primary Contact: Darren Greenhalgh/619-533-3616, MS 612

Secondary Contact: Jim Shamloufard/619-533-3160, MS 612

City Attorney: Rae, Christina L.

* ITEM-60: Second Amendment to Agreement with the Schmidt Design Group Inc. (Citywide.)

ITEM DESCRIPTION:

The Professional Services Agreement with Schmidt Design Group Inc., provides landscape architectural design services for the preparation of construction documents, construction support services and the preparation of various reports. This item will amend the contract with Schmidt Design Group Inc., to extend duration of the contract for an additional 3 years bringing the total contract duration to 8 years for a new expiration date of December 31, 2017.

STAFF'S RECOMMENDATION:

Introduce the following ordinance:

(O-2014-115)

Introduction of an Ordinance authorizing the Mayor, or his designee, to execute, for and on behalf of the City, the Second Amendment to the As-Needed Landscape Architectural Design Services Agreement with Schmidt Design Group Inc., to extend the duration of the Agreement by an additional 36 months (three years), for the purpose of completing the open task orders for various Capital Improvement Projects 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.

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

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS: None

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

- On December 29, 2009, the City entered into a Professional Services Agreement with the Schmidt Design Group Inc..
- On August 2, 2012, this contract was amended to extend the contract duration from 3 years to 5 years.
- This item was heard at the Infrastructure Committee meeting on June 25, 2014.

ACTION: Motion by Councilmember Emerald, second by Councilmember Cole, to forward staff's recommendation to the full City Council.

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

Nagelvoort/Heinrichs

Primary Contact\Phone: Darren Greenhalgh\619-533-3616, MS 612

Secondary Contact\Phone: Jim Shamloufard\619-533-3160, MS 612

City Attorney Contact: Rae, Christina L.

* ITEM-61: Clean-Up Ordinance regarding Amendments to Chapter 2 of the Municipal Code relating to the San Diego City Employees' Retirement System.

ITEM DESCRIPTION:

This Ordinance is intended to clean up Ordinance O-20376 by amending Municipal Code Section 24.0103, the definition of Service Retirement Annuity, retroactively to June 10, 2014, to how it has read since August 7, 2000.

STAFF'S RECOMMENDATION:

Introduce the following ordinance:

(O-2015-1)

Introduction of an Ordinance amending Chapter 2, Article 4, Division 1, of the San Diego Municipal Code by amending Section 24.0103 relating to the City Employees' Retirement System.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS: None.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

Ordinance O-20376 adopted on June 10, 2014.

DeCrescenzo/Villa

Primary Contact\Phone: Judy von Kalinowski/619-236-6313
Secondary Contact\Phone: Karen DeCrescenzo/619-235-5802
City Attorney Contact: Story Parks, Roxanne

* ITEM-62: Second Amendment to Agreement with Geosyntec Consultants - Extension of Time for Alta La Jolla Drive Drainage Repair Project, Phase II. (La Jolla Community Area. District 1.)

ITEM DESCRIPTION:

Authorizing the Mayor, or his designee, to execute a Second Amendment to the Agreement with Geosyntec Consultants (Contract No. H094811) for the extension of the termination date to July 6, 2021, for the consultant to provide the engineering and environmental services for the construction and post construction stages of the Alta La Jolla Drive Drainage Repair, Phase II Project, to allow for project closeout with the State and Federal agencies, and any unforeseen delays.

STAFF'S RECOMMENDATION:

Introduce the following ordinance:

(O-2014-119)

Introduction of an Ordinance authorizing the Mayor, or his designee, to execute, for and on behalf of the City, a Second Amendment to an Agreement with Geosyntec Consultants to complete Phase II of the Alta La Jolla Alta Drainage Repair Project, under the terms and conditions set forth in the Second Amendment.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

No additional funds are required to execute this action.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

- R-306703/ R-2011-789, dated 03/15/2011, Denying the Appeal of the Planning Commission's Environmental Determination for Mitigated Negative Declaration No. 128971 prepared for the Alta La Jolla Drive Drainage Repair Phase II Project, Project No. 128971.

- RR-304951, dated June 12, 2009, authorizing a CIP for Alta La Jolla Drive Storm Drain Erosion Repairs, Phase II; and authorizing a Sole Source Agreement with Geosyntec Consultants to complete the repairs.

- R-303480, dated 03/12/2008, a resolution of the Council of the City of San Diego authorizing the settlement of the litigation entitled La Jolla Alta Master Council vs. City of San Diego.

- R-302869, dated 08/01/2007, retention of Thomas Laube of Sandler Lasry Laube Byer & Valdez, for legal services in defense of La Jolla Alta Master Council vs. City of San Diego.

- R-302870, dated 08/01/2007, retention of Kristine Wilkes of Latham & Watkin, LLP for legal services in defense of La Jolla Alta Master Council vs. City of San Diego.
- R-301345, dated 04/07/2006, retention of Thomas Laube of Sandler Lasry Laube Byer & Valdez for legal services in defense of La Jolla Alta Master Council vs. City of San Diego.
- This item was heard at the Infrastructure Committee meeting on June 25, 2014.

ACTION: Motion by Councilmember Emerald, second by Councilmember Cole, to forward staff's recommendation to the full City Council.

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

Naglevoort/Heinrichs

Primary Contact\Phone: Marnell Gibson \619-533-5213, MS 908A

Secondary Contact\Phone: Jamal Batta \619-533-7482, MS 908A

City Attorney Contact: Ortlieb, Frederick M.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- * ITEM-100: Authorization to Execute an Agreement with Various Vendors to Provide Workers' Compensation Managed Care Services. (Citywide.)

ITEM DESCRIPTION:

This action is to request approval to enter into agreements with Genex Services Inc., EK Health Services Inc., and Keystone Medical Resources to provide Managed Care Services to injured employees. Contract request for this action is three (3) years with two one-year renewal options.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2014-847 Cor. Copy) (Rev. 7/15/14)

Approving a contract between the City and Genex Services, Inc., for a three-year term with two one-year options to renew, and authorizing the Mayor, or his designee, to execute the contract and, within the Mayor's discretion, the options to renew;

Approving a contract between the City and EK Health Services, Inc., for a three-year term with two one-year options to renew, and authorizing the Mayor, or his designee, to execute the contract, and, within the Mayor's discretion, the options to renew;

Approving a contract between the City and Keystone Medical Resources, for a three-year term with two one-year options to renew, and authorizing the Mayor, or his designee, to execute the contract, and, within the Mayor's discretion, the options to renew;

Authorizing the Chief Financial Officer to expend up to \$4,100,000 a year for payment on the three contracts collectively for Fiscal Years 2015 through 2017, from the Workers' Compensation Fund 720044, contingent upon the adoption of the Annual Appropriation Ordinance for the applicable Fiscal Years 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;

Declaring that the Mayor, or his designee's authority, to execute the options to renew each contract is contingent upon the adoption of the Annual Appropriation 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 up to \$4,100,000 a year from the Workers' Compensation Fund 720044 in Fiscal Years 2018 and 2019 to fund the options to renew, if they are exercised, contingent upon the adoption of the Annual Appropriation 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. (7/15/14)

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The estimated annual contract cost to the City is \$4,100,000. Funding for the contract is available from the Workers' Compensation Fund 720044.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

This item was heard at the Budget and Government Efficiency Committee meeting on June 18, 2014.

ACTION: Motion by Council President Pro Tem Lightner, second by Councilmember Zapf, to recommend approval of staff's recommendation and forward the item to Council.

VOTE: 5-0; Gloria-yea, Lightner-yea, Kersey-yea, Zapf-yea, Alvarez-yea.

Bych/Lewis

Primary Contact\Phone: Greg Bych\619-236-6651, MS 51B

Secondary Contact\Phone: Estella Montoya\619-533-6107, MS 51B

City Attorney Contact: Gersten, William

* ITEM-101: Emergency Award of Agreement with Rule Steel Tanks, Inc., for the purchase of one Horizontal Grinder.

ITEM DESCRIPTION:

Due to a fire, the Miramar Greenery's Horizontal Grinder was permanently decommissioned. The emergency procurement of a replacement grinder is vital to sustaining the Greenery's ongoing day to day operations. This action is to purchase one horizontal grinder, equipment which is used to grind green waste at the Miramar Greenery, the City's compost facility.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2014-758)

Ratifying the award and execution of an Agreement with Rule Steel Tanks, Inc., for the purchase of one horizontal grinder DZH 7000TKT Series for the Miramar Landfill Greenery to replace the previous horizontal grinder that was permanently decommissioned due to fire damage;

Retroactively authorizing the Chief Financial Officer to expend an amount not to exceed \$1,051,755.32, from Refuse Disposal Fund No. 700039, solely and exclusively, for the purchase of one horizontal grinder model DZH 7000TKT Series under the above agreement, provided the City Comptroller first furnishes one or more certificates demonstrating that the funds are, or will be, on deposit in the City Treasury.

NOTE: 6 votes required pursuant to San Diego Municipal Code Section 22.3208(c).

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The total cost of the replacement grinder shall not exceed \$1,051,755.32 and will be paid from the Refuse Disposal Fund 700039.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

This action was heard at the Committee on the Environment on June 25, 2014, and forwarded to the full City Council with a recommendation to approve.

ACTION: Motion by Councilmember Zapf, second by Councilmember Emerald, to approve staff recommendation.

VOTE: 4-0; Alvarez-yea, Zapf-yea, Harris-yea, Emerald-yea.

Gonaver/Heinrichs

Primary Contact\Phone: Stephen Greal\858-573-1275

Secondary Contact\Phone: Mike Thompson\858-492-6151

City Attorney Contact: Lowenberg, Grace

* ITEM-102: Capital Improvements Program Fund Transfers and Establishing Intent for Reimbursement. (Citywide.)

ITEM DESCRIPTION:

Transfer funds in the amount of \$5,274,188 between Capital Improvement Projects, of which \$3,027,188 is from Lease Revenue Bonds, Series 2012A (Deferred Capital Improvements), \$1,347,000 is CIP contribution from the General Funds, and \$900,000 is from Capital Outlay Funds.

STAFF'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2014-830)

Authorizing the Chief Financial Officer to transfer appropriations not to exceed \$870,000 from A-CC.00001, Watershed CIP, of which \$50,000 will go to S-00788, Fire Station No. 5, and \$100,000 will go to S-00783, Fire Station No. 17, and \$720,000 will go to S-00692, Skyline Library, all within Fund 400265, CIP Contribution from the General Fund;

Authorizing the Chief Financial Officer to transfer appropriations not to exceed \$477,000 from A-BT.00006, CIP Emergency Reserve, to A-BT.00001, City Facility Improvements, within Fund 400265, CIP Contribution from the General Fund;

Authorizing the Chief Financial Officer to transfer appropriations not to exceed \$1,247,188 from S-10118, Facility Repair: Police Pistol Range, of which \$1,197,188 will go to A-BT.00001, City Facility Improvements, and \$50,000 will go to S-00788, Fire Station No. 5; all within Fund 400848, Capital Improvements Projects 2012A - Project Fund;

Authorizing the Chief Financial Officer to transfer appropriations not to exceed \$1,780,000 from A-1H.00002, Streetlight Circuit Upgrade Projects to S-00791, South Mission Beach Lifeguard Station, within Fund 400848, Capital Improvements Projects 2012A Project Fund;

Authorizing the Chief Financial Officer to transfer appropriations not to exceed \$900,000 from A-BE.00001, ADA Improvements, of which \$580,000 will go to S-00692, Skyline Library, and \$320,000 will go to S-00791, South Mission Beach Lifeguard Station; all within Fund 400002, Capital Outlay Fund;

Authorizing the Chief Financial Officer to reimburse expenditures from the proceeds of the 2014A Bonds in compliance with Treasury Regulation 1.150-2, contingent upon the issuance of the bonds and certification of the funds;

Authorizing the Chief Financial Officer to return all eligible Capital Outlay and General Fund appropriations in an amount not to exceed \$2,247,000 of which \$900,000 is for CIP A-BE.00001, ADA Improvements, Fund 400002, Capital Outlay Fund, \$870,000 is for CIP A-CC.00001, Watershed CIP, Fund 400265, CIP Contribution from the General Fund, and \$477,000 is for CIP A-BT.00006, CIP Emergency Reserve, Fund 400265, CIP Contribution from the General Fund, in compliance with Treasury Regulation 1.150-2, contingent upon the issuance of 2014A Bonds.

Subitem-B: (R-2015-1)

Finding and determining that the forgoing recitals are true and correct;

Declaring that this Declaration of Intent is made solely for the purpose of establishing compliance with Section 1.150-2 of the Treasury Regulations, and in accordance therewith the City declares its intention to issue Debt, the proceeds of which will be used to pay, in part, for the costs, if any, of the Project (and related issuance costs), including the reimbursement to the City for certain capital expenditures relating to the Project made prior to the issuance of the Debt, provided however that this Declaration of Intent does not bind the City to make any expenditure, incur any indebtedness, or proceed with the Project;

Declaring that this Declaration of Intent shall take effect from and after the date of its adoption.

STAFF SUPPORTING INFORMATION

FISCAL CONSIDERATIONS:

This action has no net impact to the adopted Capital Improvements Program Budget.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

- In February 2014, City Council authorized (0-20350) the issuance of the Public Facilities Financing Authority Lease Revenue Bonds of \$120 million for various General Fund Capital Improvements.
- This item was heard at the Infrastructure Committee meeting on June 25, 2014.

ACTION: Motion by Councilmember Emerald, second by Councilmember Cole, to forward staff's recommendation to the full City Council.

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

Nagelvoort/Heinrichs

Primary Contact\Phone: Darren Greenhalgh\619-533-3616

Secondary Contact\Phone: Angela Colton\619-533-4180

City Attorney Contact: Rae, Christina L.

- * ITEM-103: Allocation of Fiscal Year 2013 Regional Park Improvement Funds into Various CIP Projects. (Peninsula, Balboa Park, Los Peñasquitos Canyon Preserve, and Barrio Logan Community Areas. Districts 2, 3, 5, and 8.)

ITEM DESCRIPTION:

This action will authorize the allocation of \$2.45 million of Fiscal Year 2013 Regional Park Improvement Funds to the California Tower Seismic Retrofit, Mohnike Adobe and Hay Barn Restoration, Chicano Park ADA Upgrades, and Phase 1 of the Sunset Cliffs Park Drainage Improvements to initiate the preparation of construction documents, environmental permitting and construction for each of these projects.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2014-855)

Authorizing the Chief Financial Officer to add CIP L-14005, Sunset Cliffs Park Drainage Improvements to the Capital Improvement Program;

Authorizing the Chief Financial Officer to transfer appropriations of \$2,450,000 from AGF-00005, Regional Park Improvement Fund, within Fund No. 200391, to the following CIP projects in the following amounts:

- a. \$750,000 to L-12003, California Tower Seismic Retrofit;
- b. \$500,000 to S-13008, Mohnike Adobe and Barn Restoration;
- c. \$200,000 to S-13003, Chicano Park ADA Upgrades; and
- d. \$1,000,000 to L-14005, Sunset Cliffs Park Drainage Improvements;

Authorizing the Chief Financial Officer to expend from:

- a. L-12003, California Tower Seismic Retrofit, \$750,000;
- b. S-13008, Mohnike Adobe and Barn Restoration, \$500,000;
- c. S-13003, Chicano Park ADA Upgrades, \$200,000; and
- d. L-14005, Sunset Cliffs Park Drainage Improvements, \$1,000,000;

Declaring that the expenditure is contingent upon the Chief Financial Officer furnishing one or more certificates certifying that the funds necessary for expenditures are, or will be, on deposit in the City Treasury.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

This action will authorize the transfer of \$2.45 million from Fund No. 200391 within A-GF.00005, Regional Park Improvements Annual Allocation to various Capital Improvement Program projects within the City's regional and open space parks. These projects include:

- L-12003, California Tower Seismic Retrofit, \$750,000
- S-13008, Mohnike Adobe and Barn Restoration, \$500,000
- S-13003, Chicano Park ADA Upgrades, \$200,000
- L-14005, Sunset Cliffs Park Drainage Improvements, \$1,000,000

Additional appropriations to these projects are anticipated in future fiscal years.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

This item was heard at the Infrastructure Committee meeting on June 25, 2014, where it received unanimous approval to be forwarded to the full City Council for consideration.

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

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

Field/Graham

Primary Contact\Phone: Jim Winter\619-235-5257, MS 35

Secondary Contact\Phone: Andy Field\619-236-6643, MS 37C

City Attorney Contact: Ferbet, Heather M.

* ITEM-104: State 9-1-1 Customer Premise Equipment (CPE) Allotment. (Citywide.)

ITEM DESCRIPTION:

This action is to apply for and accept equipment funded by the State of California's 9-1-1 surcharge tax to emergency 9-1-1 centers, otherwise known as Public Safety Answering Points (PSAP), for the sole purpose of upgrading 9-1-1 telephone lines and systems every 5 years. The San Diego Fire-Rescue Department has been allocated \$1,046,000.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2014-841)

Authorizing the Mayor, or his designee, to apply for, accept, and take all necessary actions to secure State of California purchased equipment valued at up to \$1,046,000 from the State 9-1-1 Customer Premises Equipment Funding Allotment.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

There will be no impact to the General Fund and no additional costs to the Fire-Rescue Department. The total benefit to the City is \$1,046,000, of which the Communications Division and the Lifeguard Division will receive \$828,000 and \$218,000, respectively. The City will not receive the funds directly. The vendors will bill the State through a Master Agreement and the City will receive the equipment, including installation, as City property.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

- On November 15, 2004, City Council approved acceptance of State 9-1-1 CPE funds in a five year cycle (Resolution No. R-299827). Original awarded amount was modified and accepted on August 8, 2005 (R-300759).
- This action was heard at the Public Safety and Livable Neighborhoods Committee meeting on June 18, 2014, and forwarded to the full City Council with a recommendation to approve.

ACTION: Motion by Councilmember Cole, second by Councilmember Kersey, to approve.

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

Mainar/Chadwick

Primary Contact\Phone: Brian Fennessy\619-533-4401, MS 604
City Attorney Contact: Brazier, Noah J.

* ITEM-105: Grant Application for the Rehabilitation of Brown Field Runway 8L/26R. (Otay Mesa Community Area. District 8.)

ITEM DESCRIPTION:

Authorize the reimbursement grant application to the Federal Aviation Administration for an amount of \$11,750,000 for the Rehabilitation of Brown Field Runway 8L/26R, and to accept, appropriate and expend the funds if the grant is secured. Authorize the expenditure of up to \$1,305,556 in A-AA.00002, Brown Field, for the purpose of funding grant match requirements.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2014-671)

Authorizing the Mayor, or his designee, to make an application to the FAA, and take all necessary actions to secure funding for an amount not to exceed \$11,750,000 for a Reimbursement Grant for the construction design of Brown Field Airport (SDM) 8L/26R Runway Rehabilitation;

Authorizing the Chief Financial Officer to establish a special interest-bearing account for the grant funds, if required;

Authorizing the Chief Financial Officer to increase the Capital Improvements Program Budget in A-AA.00002, Airport Assets Annual Allocation Brown Field, and to accept, appropriate and expend an amount not to exceed \$11,750,000, FAA Reimbursement Grant funds for the construction design of Brown Field Airport (SDM) 8L/26R Runway Rehabilitation, contingent upon the receipt of a fully executed Grant Agreement;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$1,305,556 from CIP A-AA.00002, Airports Assets Annual Allocation Brown Field, Fund 700028 Brown Field Special Aviation for the purpose of funding grant match requirements, contingent on the approval of the Fiscal Year 2015 Appropriations Ordinance.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The total estimated construction cost of Brown Field Airport 8L/26R Runway Rehabilitation Project is \$13,055,556. \$1,305,556 of matching funds will be allocated from CIP A-AA.00002 Brown Field Annual Allocation and \$11,750,000 will be FAA grant funded.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

- Council passed Resolution No. R-307165 on February 15, 2011, to authorize the application to the FAA reimbursement grant and the acceptance and expenditure of said grand funds.
- This item was heard at Infrastructure Committee meeting on June 25, 2014.

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

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

Nagelvoort/Heinrichs

Primary Contact\Phone: Mark Nassar\619-533-6600

Secondary Contact\Phone: Jihad Sleiman\619-533-7532, MS 908A

City Attorney Contact: De Lara, Jr., Pedro

* ITEM-106: Settlement of breach of contract claims asserted by defendant/cross complainant San Diego Auto Connection, Inc., against City of San Diego. Risk Management File No. 5200.

ITEM DESCRIPTION:

This complaint for contractual damages suffered by defendant/cross-complainant San Diego Auto Connection, Inc., as the result of the City of San Diego's breach of agreements between the City and San Diego Auto Connection Inc., for use of the Qualcomm Stadium parking lot for auto and RV sales events. The proposed settlement would resolve all claims asserted by San Diego Auto Connection Inc.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2014-838)

Authorizing the Mayor, or his designee, to pay the sum of \$387,500 from the Public Liability Fund, Fund No. 720045, in settlement of each and every claim for contractual damages, interest, costs and fees of any type, including attorney fees, against the City, its agents and employees, arising from the Litigation;

Authorizing the Chief Financial Officer to appropriate and expend \$387,500 from the Public Liability Fund 720045, 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 a check in the amount of \$387,500, made payable to "San Diego Auto Connection, Inc."

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

Settlement amount of \$387,500 will be paid from the Public Liability Fund 720045.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION

Settlement approved in Closed Session on June 10, 2014.

Bamberg

Primary\City Attorney Contact\Phone: R. Clayton Welch\619-533-5839, MS 59

* ITEM-107: Settlement of personal injury claim of Janice Carlson. Risk Management File No. 7860.

ITEM DESCRIPTION:

This complaint for personal injuries suffered by Janice Carlson as the result of a trip and fall. The proposed settlement would resolve all claims brought by Janice Carlson.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2014-829)

Authorizing the Mayor, or his designee, to pay the sum of \$137,500 from the Public Liability Fund No. 720045, in settlement of each and every claim for damages, interest, costs, and fees of any type, including attorney fees, against City of San Diego, its agents and employees, arising from the personal injury claim of Janice Carlson, San Diego Superior Court Case No. 37-2013-00058455-CU-PO-CTL;

Authorizing the Chief Financial Officer to appropriate and expend \$137,500 from the Public Liability Fund, Fund 720045, 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 a check in the amount of \$137,500, made payable to Dicks & Workman Client Trust Account for Janice Carlson.

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

Settlement amount of \$137,500 will be paid from the Public Liability Fund, Fund 720045.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

The item was approved in Closed Session on June 17, 2014.

Bamberg

Primary\City Attorney Contact\Phone: Bonny Hsu\619-533-6371, MS 59

- * ITEM-108: Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City.

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2014-724)

Declaring a continued state of emergency due to severe shortage of affordable housing in the City of San Diego, pursuant to California Government Code Section 8630;

Declaring that the measures previously taken by the City Council in Resolution Number R-296982 shall continue to have full force and effect.

- * ITEM-109: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2014-479)

Declaring a continued state of emergency to persist relative to the escalated discharge of raw sewage from Tijuana, Mexico, pursuant to California Government Code Section 8630;

Authorizing the Mayor, or his designee, to execute all necessary contracts for the diversion, treatment, and disposal of international raw sewage;

Declaring that the measures previously taken in accordance with Resolution Number R-282544 shall continue to have full force and effect.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS
RESOLUTIONS:

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

ITEM-330: Authorization to petition CalTrans for approval to hear Resolutions of Necessity, if necessary, for acquisition of right-of-way for the SR-163/Friars Road Interchange Project. (Mission Valley Community Area. District 7.)

ITEM DESCRIPTION:

The City of San Diego is working cooperatively with CalTrans Local District 11 to acquire the real property or right-of-way required for the Friars Road/State Route 163 Interchange Improvements Project - Phase I (Project). The Project greatly enhances traffic operations, bicycle safety and circulation, and pedestrian facilities at the existing interchange and surrounding local streets. This action is to authorize the City's Real Estate Assets Department to later bring before City Council requests for Resolutions of Necessity, if necessary, for the acquisitions of property rights for the Project.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2014-813)

Declaring that the City of San Diego proposes to conduct all rights-of-way and property acquisition processes and actions required for the "Friars Road/State Route 163 Interchange Improvements Project" (Project);

Declaring that the City Council agrees to hear all Resolutions of Necessity, as defined in and pursuant to the California Code of Civil Procedure and all applicable laws, that may be required for acquisition of rights-of-way and other property necessary for the Project should negotiations for such rights-of-way or property not be successful, and agrees to take all additional necessary actions consistent therewith;

Authorizing the Mayor, or his designee, to petition the State of California's Department of Transportation and to execute and deliver all legal and other instruments needed to effect the authorization sought by this Resolution;

Authorizing the San Diego City Attorney, or his designee, to review and process all agreements, legal instruments, and Resolutions of Necessity needed to effect the authorization sought by this Resolution and for all actions that become necessary for the Project.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS: None.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

Council Resolution No. RR-298491 on October 14, 2003, authorized a Cooperative Agreement between the State of California and the City for this Project.

Geitz/Villa

Primary Contact\Phone: Barry Slotten\619-236-6724

Secondary Contact\Phone: April McCusker\619-236-6987

City Attorney Contact: Fonseca, Jeremy M.

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

ITEM-331: California Department of Resources Recycling and Recovery (CalRecycle) Organics Program Grant.

ITEM DESCRIPTION:

The CalRecycle Organics Grant Program's goal is to lower overall greenhouse gas emissions (GHGs) by expanding existing capacity or establishing new facilities in California to reduce the amount of California-generated green materials, food materials, or alternative daily cover (ADC) being sent to landfills. This action is to authorize the Mayor, or his designee, to apply for grant funding, and related actions following the granting of funds to ESD from CalRecycle.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2014-753)

Authorizing the Mayor, or designee, to submit applications to CalRecycle on behalf of the City of San Diego for the Organics Grant Program for FY 2014/2015 through and including FY 2018/2019;

Authorizing the Mayor, or designee, to negotiate and execute in the name of the City of San Diego all grant-related documents for the Organics Grant Program including, but not limited to, applications, agreements, amendments, and payment requests necessary to secure grant funding, implement and close-out the grants, and carry out and administer the City's obligations, responsibilities and duties under the terms and conditions of the grants for FY 2014/2015 through and including FY 2018/2019;

Authorizing the Mayor to delegate signature authority for all grant-related documents for the Organics Grant Program to the Environmental Services Department Director or Deputy Director;

Authorizing the Chief Financial Officer to accept, appropriate, and expend grant funds from the CalRecycle Organics Grant Program for the purposes of the grants, contingent upon execution by the Mayor, or designee, of the associated grant agreements;

Authorizing the City Comptroller to establish a separate fund to track expenditures and receive grant related reimbursements for eligible expenditures.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

ESD is eligible to apply for and receive up to \$3,000,000 for FY2014-2015 under the current Organics Grant Program cycle. Matching funds are not required under this grant program.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: N/A

Gonaver/Heinrichs

Primary Contact\Phone: Meghan Cannis\858-492-5009, MS 1103B

Secondary Contact\Phone: Ken Prue\858-492-5085, MS 1103B

City Attorney Contact: Lowenberg, Grace C.

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

ITEM-332: Increase in Funding for Contract to Purchase Sewer Main Cleaning Trucks per Bid No. 10023129-13-E on behalf of the Public Utilities Department's Wastewater Collection Division. (Citywide.)

ITEM DESCRIPTION:

This action is to increase the Agreement with Haaker, previously approved in May 2013, for the purchase of sewer drain cleaners from \$10,000,000 to \$11,501,671. The increase will provide funding to meet the departments' planned replacement schedule over the next five (5) years.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2014-852)

Declaring that the authorization granted to the Mayor, or his designee, pursuant to Resolution R-309229, to purchase sewer main cleaning trucks from Haaker Equipment Company in quantities as may be required over a five-year period is hereby amended to increase the total maximum cumulative expenditure amount under the Haaker Contract to \$11,501,671;

Authorizing the Chief Financial Officer to appropriate and expend funds pursuant to Resolution R-309229, is hereby amended to increase such appropriation and expenditure authority to a total cumulative amount not to exceed \$11,501,671 from Fund 720013, Vehicle Replacement Fund over the five year period, contingent upon the adoption of the Annual Appropriation Ordinance for each Fiscal Year and the Chief Financial Officer first furnishing one or more certificates demonstrating that the funds for the expenditure are, or will be, on deposit with the City Treasurer.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

Funds for this purchase are available in the division's Vehicle Replacement Fund. All future year expenditures are contingent upon certification of fund availability by the City Comptroller's Office.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

This item was heard at the Infrastructure Committee meeting on June 25, 2014.

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

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

Griffith/Heinrichs

Primary Contact\Phone: Martin Kane\858-654-4489, MS 902

Secondary Contact\Phone: Agnes Generoso\858-292-6490 MS 901A

City Attorney Contact: Jung, Jeremy A.

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

ITEM-333: Authorization to Amend the Purchase and Sale Agreement with Baldwin & Sons, LLC to Change Required Easements for City-Access to Pipeline Property in Chula Vista. (Not within the City of San Diego.)

ITEM DESCRIPTION:

Authorize an amendment to the Real Estate Purchase and Sale Agreement with Baldwin & Sons, LLC ["Baldwin"] previously authorized by City Council on July 9, 2013, for the sale of City-owned pipeline property in Chula Vista, California. The Amendment would provide that, in lieu of Baldwin providing two access easements over the Litigation Properties, Baldwin will pay the City additional cash consideration in the amount of \$75,000 and Baldwin will provide City with one access easement.

STAFF'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2014-850)

Authorizing the Mayor, or his designee, to execute the First Amendment to Real Estate Purchase and Sale Agreement by and between the City and Baldwin & Sons, LLC; (First Amendment), for the price of \$361,395, under the terms and conditions set forth in the First Amendment;

Authorizing the Mayor, or his designee, to obtain an access easement as set forth in the First Amendment to allow City access to its existing City water pipelines;

Authorizing the Mayor, or his designee, to execute and deliver all such agreements and all other instruments to effect and complete the transaction contemplated by this Resolution;

Authorizing the Chief Financial Officer to accept and deposit the proceeds of the sale of the property, net of costs related to the sale, into the Capital Outlay Water Fund No. 400004.

Subitem-B: (R-2014-851)

Adoption of a resolution determining that the Project is categorically exempt from California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15312 and that an exception to the exemption does not apply;

Determining that an exception to the exemption as set forth in CEQA Guidelines Section 15300.2 does not apply.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

\$75,000 as consideration for modification of the access easements would be deposited into the Capital Outlay Water Fund No. 400004.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

The authorization to sell City-owned pipeline property was heard at the June 19, 2013, Land Use and Housing Committee meeting and was approved by the City Council on July 9, 2013, (San Diego Resolution R-30833).

Geitz/Villa

Primary Contact\Phone: Mary Carlson\619-236-6079, MS 51A

Secondary Contact\Phone: Kristi Geitz\619-236-7031, MS 51A

City Attorney Contact: Mendoza, Hilda R.

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

ITEM-334: Community Parking District FY 2015 Annual Plans and Budgets. (Downtown (Downtown CPD), Uptown (Uptown CPD), Greater North Park/Mid-City/College Area (Mid-City CPD - North Park, University Heights, Normal Heights, College, El Cajon Boulevard), and Old Town (Old Town CPD). Districts 3 and 9.)

ITEM DESCRIPTION:

The item approves the Annual Plans and Budgets for the FY 2015 Community Parking District (CPD) program and allows for the transfer, appropriation and expenditure of parking meter funds by the Chief Financial Officer for such purposes. It also authorizes the Mayor to execute specified operating agreements for the Community Parking Districts.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2015-4)

Approving the Fiscal Year 2015 (FY 2015) Annual Plans and Budgets for the Downtown, Mid-City, Old Town, and Uptown Community Parking Districts;

Authorizing the Chief Financial Officer to transfer funds from the CPD Funds City Departments to implement the Annual Plans and to authorize the receipt, appropriation and expenditure by the respective City Departments of those transferred funds;

Authorizing the Mayor, or his designee, to execute agreements and expend funds from the CPD Funds as needed but in accordance with the FY 2015 Annual Plans and Budgets in order to implement the FY 2015 Annual Plans and Budgets;

Authorizing and directing the Chief Financial Officer to appropriate and expend the CPD Fund Balances and Interest Fund Balances relating to the Downtown CPD, Uptown CPD, Mid-City CPD, and Parking Meter District Administration Fund No. 200488 (CPD Admin. Fund), from Fiscal Year 2014 (FY 2014) for FY 2014 or prior year expenditures anticipated to be processed in FY 2015, with the thereafter remaining FY 2015 Fund Balances and Interest Fund Balances relating to each of these CPDs and the City CPD Administration Fund to be carried forward to FY 2015, contingent upon the certification that funds are available;

Authorizing and directing the Chief Financial Officer to appropriate and expend from the Uptown CPD Fund for the FY 2015 Uptown CPD Program an amount not to exceed \$676,000 plus or minus any year-end adjustment to reconcile actual revenue and expenditures plus remaining amount of the FY 2014 Fund Balance and Interest

Fund Balance carried forward to FY 2015, contingent upon the certification that funds are available;

Authorizing and directing the Chief Financial Officer to appropriate and expend from the Mid-City CPD Fund for the FY 2015 Mid-City CPD Program an amount not to exceed \$65,000 plus or minus any year-end adjustment to reconcile to actual revenue and expenditures plus the remaining amount of the FY 2014 Fund Balance and Interest Fund Balance carried forward to FY 2015, contingent upon the certification that funds are available;

Authorizing and directing the Chief Financial Officer to appropriate and expend from the Downtown CPD Fund for the FY 2015 Downtown CPD Program an amount not to exceed \$2,024,000 plus or minus any year-end adjustment to reconcile to actual revenue and expenditures plus the remaining amount of the FY 2014 Fund Balance and Interest Fund Balance carried forward to FY 2015, contingent upon the certification that funds are available;

Authorizing and directing the Chief Financial Officer to appropriate and expend from the CPD Admin Fund for City administration of the CPD Program an amount not to exceed \$1,049,500 (\$819,500 for Parking Projects and \$230,000 for staffing) plus or minus any year-end adjustment to reconcile to actual revenue and expenditures plus the remaining amount of the FY 2014 Fund Balance and Interest Fund Balance carried forward to FY 2015, contingent upon the certification that funds are available;

Authorizing and directing the Mayor, or his designee, to execute the following Agreements which shall incorporate the respective FY 2015 Annual Plans and Budgets, contingent upon the Chief Financial Officer certifying that funds are available, as follows:

- (a) FY 2015 Operating Agreement with the El Cajon Boulevard Business Improvement Association in an amount not to exceed \$324,390 for the operation of the FY 2015 CPD (Mid-City BIDs) Program in the Mid-City CPD;
- (b) FY 2015 Operating Agreement with University Heights Community Development Corporation in an amount not to exceed \$38,859 for the operation of the FY 2015 CPD (University Heights) Program in the Mid-City CPD;
- (c) FY 2015 Operating Agreement with Uptown Partnership in an amount not to exceed \$2,859,019 for the operation of the FY 2015 CPD program in the Uptown CPD;
- (d) Memorandum of Understanding (MOU) with Civic San Diego in an amount not to exceed \$12,337,050 for the operation of the FY 2015 CPD program in the Downtown CPD;
- (e) FY 2015 Operating Agreement with Old Town Chamber of Commerce for the operation of the FY 2015 CPD program in the Old Town CPD;

The Mayor, or his designee, authorizes the Parking Inventory Management Loan Program, expending an amount not to exceed \$50,000 for each loan from the Downtown CPD Fund for the FY 2015 Downtown CPD Program, contingent upon the Chief Financial Officer certifying that funds are available, for the sole and exclusive purpose of installing directional signs for parking availability and reducing traffic congestion.

FISCAL CONSIDERATIONS:

This action authorizes the appropriation and expenditure (via agreements/MOU) of CPD funding of \$3,814,500 that the City Council previously appropriated in the Fiscal Year 2014 Annual Budget plus the carry-over from previous years and any year-end adjustments within the CPD funds. There is no net fiscal impact to the City.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

- Council approved FY 2014 CPD Annual Plans and Budgets via Resolution No. R-308463 recorded October 14, 2013.

- The terms of the FY 2014 Agreements expired on June 30, 2014.

- On June 11, 2014, the Smart Growth and Land Use Committee moved the item forward to Council without recommendation with direction for legal review by the City Attorney's office on certain expenditures contemplated in the Plans and Budgets and review by Independent Budget Analyst's office. In response to recommendations and comments at the meeting:
 - 1) all forms of funding for the proposed budgets are identified in the attached summary;
 - 2) legal analysis for project eligibility for items in the Downtown and Old Town Plans and Budgets will be provided by the City Attorney's office;
 - 3) the Downtown CPD Plan and Budget has been revised to remove previously proposed activities, including traffic control for special events and subsidized employee parking within the Downtown Neighborhood Program;
 - 4) a response memo is being prepared and will be submitted prior to the Council meeting with required criteria and circumstances to justify creating a parking district in District 4; and
 - 5) City staff from Traffic Engineering will be working with District 4 staff and the community on potential installation of new bike racks and bike corrals within District 4.

ACTION: Motion by Councilmember Sherman, second by Council President Pro Tem Lightner, to move the item forward to Council without recommendation with direction for legal review by the City Attorney's office and review by Independent Budget Analyst's office.

VOTE: 4-0; Zapf-yea, Cole-yea, Lightner-yea, Sherman-yea.

Fulton\Graham

Primary Contact\Phone: Joseph Jimenez\619-533-4741, MS 56D

Secondary Contact\Phone: Meredith Dibden-Brown\619-236-6485, MS 56D

City Attorney Contact: Reid, Michael T.

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-335: Appeal of the Historical Designation of the Alliene and Edna Treadwell House
Located at 579 San Elijo Street. (Peninsula Community Plan Area. District 2.)

ITEM DESCRIPTION:

Matter of the appeal filed by John H. Cahalin and Helen J. Cahalin, owner of the Alliene and Edna Treadwell House, of the decision of the Historical Resources Board to designate the property located at 579 San Elijo Street, San Diego, California. Upon hearing of such an appeal, the City Council may by Resolution affirm, reverse, or modify the determination of the Board. The City Council shall rely upon the record of the proceedings before the Historical Resources Board and oral and written presentations shall be made to the City Council by proponents and opponents of the building's historic designation.

TODAY'S ACTION IS:

Take the following actions:

Granting or denying the appeal and upholding or overturning the action of the Historical Resources Board in designating the property located at 579 San Elijo Street as a historical resource;

Directing the City Attorney to prepare the appropriate resolution according to Section 40 of the City Charter.

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

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS: N/A

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: N/A

Fulton/Graham /ks

Primary Contact\Phone: Kelley Stanco\619-236-6545, MS 413

Secondary Contact\Phone: Cathy Winterrowd\619-235-5217, MS 413

City Attorney Contact: Lintvedt, Inga

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

ITEM-336: Matter of Whether to Amend the Mobile Food Truck Ordinance or Overrule the San Diego County Regional Airport Authority. (Citywide.)

ITEM DESCRIPTION:

On June 5, 2014, the San Diego County Regional Airport Authority determined that the City's adopted ordinance is inconsistent with the MCAS Miramar Airport Land Use Compatibility Plan (ALUCP). Therefore, action by the City Council is needed for the City's mobile food truck ordinance to become effective. The City Council is being asked to adopt a new ordinance amending Section 141.0612 of the mobile food truck ordinance to add a statement further limiting food truck operations in a specific area within the airport influence area for MCAS Miramar (Accident Potential Zone I).

STAFF'S RECOMMENDATION:

Take **one** of the following actions in **OPTION 1** or **OPTION 2**: (Rev. 7/11/14)

OPTION 1

Subitem-A: (R-2014-845)

Adoption of a Resolution determining that the Project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 and 15311(c);

Determining that an exception to the exemption as set forth in CEQA Guidelines Section 15300.2 does not apply; and

Directing the City Clerk to file a Notice of Exemption regarding the Project with the Clerk of the Board of Supervisors for the County of San Diego.

Subitem-B: (O-2014-132)

Introduction of an Ordinance amending Chapter 14, Article 1, Division 6, Section 141.0612, relating to regulation of mobile food trucks.

OR

OPTION 2

Subitem-C:

Propose an overrule of the San Diego County Regional Airport Authority's determination that the Food Truck Ordinance is inconsistent with the Airport Land Use Compatibility Plan for MCAS Miramar based on the following findings:

- (1) The proposed development will not be detrimental to the public health, safety, and welfare;
- (2) The proposed development will minimize the public's exposure to excessive noise and safety hazards to the extent feasible; and
- (3) The proposed development will meet the purpose and intent of the California Public Utilities Code Section 21670;

Directing the City Attorney to prepare the appropriate Resolutions according to Section 40 of the City Charter, and return to the Council for final overrule.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The cost of additional processing for the ordinance is being covered by the Development Services Department Budget Enterprise Fund. Costs associated with implementation of these regulations in the future will be covered by project applicants.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

- On October 23, 2013, the Smart Growth and Land Use Committee (SGLU) received a report on potential regulations.
- On February 12, 2014, SGLU reviewed the draft ordinance and forwarded the item without recommendation.
- The City Council introduced the mobile food truck ordinance on March 3, 2014, and adopted the ordinance on March 18, 2014.

Vacchi\Villa\al

Primary Contact\Phone: Amanda Lee\619-446-53267, MS 501

City Attorney Contact: Lintvedt, Inga

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT