

**CITY COUNCIL OF THE CITY OF SAN DIEGO
SUPPLEMENTAL DOCKET NUMBER 2
FOR THE REGULAR MEETING OF
TUESDAY, JULY 29, 2014, AT 10:00 AM
CITY ADMINISTRATION BUILDING
COUNCIL CHAMBERS – 12TH FLOOR
202 “C” STREET
SAN DIEGO, CA 92101**

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**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

This item will be taken in the morning session which is scheduled to begin at 10:00 a.m.

- * ITEM-S500: Approval of a Kelp Forest Ecosystem Study Agreement with the Scripps Institute of Oceanography - The Regents of the University of California. (Citywide.)

ITEM DESCRIPTION:

This action is requesting approval of the Agreement for the University of California, San Diego, Scripps Institution of Oceanography to continue long-term evaluation studies of the San Diego coastal kelp forests. The Agreement requires the City of San Diego to fund this project for a total of \$2,662,178 for Fiscal Years 2015, through 2019.

STAFF'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2015-55)

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City, a five-year Phase Funded Agreement with the Regents of the University of California, San Diego, for the Scripps Institution of Oceanography, to study and evaluate anthropogenic impacts on the San Diego Coastal Ecosystem (commonly referred to as the Kelp Forest Ecosystem), for a total maximum compensation amount not to exceed \$2,662,178 and under the terms and conditions set forth in the Agreement, contingent upon the Chief Financial Officer first furnishing one or more certificates demonstrating that the funds necessary for expenditure under established contract funding phases are, or will be, on deposit with the City Treasurer;

Authorizing the Chief Financial Officer to appropriate and expend a total amount not to exceed \$2,662,178 from Sewer Revenue Fund 700001, for the purpose of funding the above Agreement, in the following amounts for the corresponding phases, contingent upon the adoption of the Annual Appropriation Ordinance for each applicable fiscal year and the Chief Financial Officer demonstrating that the funds necessary for expenditure are, or will be on deposit with the City Treasurer:

Phase 1 (FY 2015): \$477,581

Phase 2 (FY 2016): \$509,669

Phase 3 (FY 2017): \$545,728

Phase 4 (FY 2018): \$558,591

Phase 5 (FY 2019): \$570,609

Subitem-B: (R-2015-59)

Determining that the Project is categorically exempt from California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15306 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:

The Annual Fiscal Impact to the City of San Diego over the five-years of the Agreement would be as follows: (Year 1) FY 2015- \$477,581; (Year 2) FY 2016- \$509,669; (Year 3) FY 2017- \$545,728; (Year 4) FY 2018- \$558,591; and (Year 5) FY 2019 - \$570,609. The annual funding for this Agreement is included in the Public Utilities Department Annual Operating Budget, therefore only the annual incremental budget increase in future years is needed to fund this action. (7% for Year 2; 7% for Year 3; 2% for Year 4 and 2% for Year 5).

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

- Original Agreement: adopted June 22, 2006, (Document R-301549)
Amendment 1 (no cost): approved October 22, 2006, (Document C-13927)
Amendment 2: approved June 11, 2010, (Document OO-19958/H074007)
- This item was heard at the Environmental Committee meeting on July 23, 2014, and forwarded to the full City Council.

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

VOTE: 3-0; Alvarez-yea, Harris-yea, Emerald-yea.

Mulvey/Heinrichs

Primary Contact\Phone: Tim Stebbins\619-788-2329, MS 45A
Secondary Contact\Phone: Peter Vroom\619-758-2301, MS 45A
City Attorney Contact: Jung, Jeremy A.

This item will be taken in the morning session which is scheduled to begin at 10:00 a.m.

* ITEM-S501: Second Amendment to the Contract with Mallory Safety and Supply, LLC.

ITEM DESCRIPTION:

The City of San Diego uses the Cooperative U.S. Communities Contract Participation Agreement with Mallory Safety and Supply, LLC, for procurement of specialized public safety, emergency preparedness, and related equipment. These actions will authorize an increase to the current contract amount and a one year extension in order to continue procuring grant funded public safety equipment and supplies.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2015-57)

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City, a Second Amendment to the Participation Agreement with Mallory Safety and Supply, LLC, for the use of U. S. Communities Contract No. 440001839, for one additional year;

Authorizing the Chief Financial Officer, or his designee, subject to the City Comptroller certifying fund availability, to expend an amount not to exceed \$1,000,000 for the purposes of executing the Second Amendment to the Participation Agreement with Mallory Safety and Supply, LLC.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The estimated amended cost is not to exceed \$1,000,000, for a total contract amount of \$3,000,000 (\$1,000,000 from Original contract, \$1,000,000 from Amendment 1, and an additional \$1,000,000 from Amendment 2, as requested). This contract does not obligate the City to procure goods and services. Purchase Orders are issued as needed. These purchases will be for grant related expenditures. However, these grants are reimbursable in nature requiring the City to expend funds prior to requesting reimbursement. Expenditures will be initially sourced from Fund 600000, and then reimbursed from the corresponding Federal Grant Program.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

This item was presented at the Public Safety and Livable Neighborhoods Committee meeting on July 16, 2014, and forwarded to full City Council with recommendation to approve. Resolution R-308202, dated July 2, 2013.

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

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

Mainar/Chadwick

Primary Contact\Phone: John Valencia\619-533-6763

Secondary Contact\Phone: Katherine Jackson\619-533-6761

City Attorney Contact: Brazier, Noah J.

This item will be taken in the morning session which is scheduled to begin at 10:00 a.m.

* ITEM-S502: Request for defense in *San Diegans for Open Government v. Jan I. Goldsmith, et al.*, San Diego Superior Court Case No. 37-2014-00000217-CU-MC-CTL.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2015-58 Cor. Copy) (Rev. 7/28/14)

Declaring by the Council of the City of San Diego, that the Council grants City Attorney Jan I. Goldsmith's defense request under Government Code Section 995, as statutorily required, to the civil action entitled *San Diegans for Open Government v. Jan I. Goldsmith, et al.*, San Diego Superior Court Case No. 37-2014-00000217-CU-MC-CTL, and authorizing the retention of outside counsel for the City Attorney's defense.
(Rev. 7/28/14)