

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, September 16, 2014

**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
TUESDAY, SEPTEMBER 16, 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.

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:

06/23/2014
06/24/2014
06/30/2014
07/01/2014
07/07/2014 - Adjourned
07/08/2014 - Adjourned
07/08/2014 - Special
07/14/2014 - 2pm
07/14/2014 - Special 6pm
07/15/2014

PROCLAMATIONS/CEREMONIAL ITEMS

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

ITEM-30: Maria's Mexican Cocina Day.

PRESENTED BY COUNCILMEMBER HARRIS:

Proclaiming September 16, 2014, to be "Maria's Mexican Cocina Day" in the City of San Diego in recognition and appreciation of the fine food and service Jose Duron provided.

ITEM-31: Phi Beta Sigma Fraternity Inc., Day.

PRESENTED BY COUNCILMEMBER COLE:

Proclaiming September 16, 2014, to be "Phi Beta Sigma Fraternity Inc., Day" in the City of San Diego.

ITEM-32: Utility Consumers' Action Network Day.

PRESENTED BY COUNCILMEMBER EMERALD:

Proclaiming September 16, 2014, to be "Utility Consumers' Action Network Day" in the City of San Diego, acknowledging their efforts to level the playing field for all ratepayers in California and the Nation.

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

ITEM-33: VA San Diego Sorrento Valley Clinic Day.

COUNCIL PRESIDENT PRO TEM LIGHTNER'S RECOMMENDATION:

Proclaiming August 22, 2014, to be "VA San Diego Sorrento Valley Clinic Day" in the City of San Diego.

ITEM-34: Francisco J. Bustos Day.

COUNCILMEMBER ALVAREZ'S RECOMMENDATION:

Proclaiming September 16, 2014, to be "Francisco J. Bustos 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: Consideration of Proposed Ordinances Regulating the Use and Retail Sales of Electronic Cigarettes. (Citywide.)

ITEM DESCRIPTION:

1. Sub-Item A (O-2014-109 Rev.): Adopt a proposed ordinance amending various provisions of the San Diego Municipal Code relating to smoking and the use of tobacco products and electronic cigarettes.
2. Sub-Item B (O-2014-125 Rev.): Adopt a proposed ordinance amending various provisions of the San Diego Municipal Code relating to retail sales of tobacco products, electronic cigarettes, electronic cigarette paraphernalia, and vaping juice.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinances which were introduced, as amended, on 7/28/14, Item 201. (Council voted 9-0.):

Subitem-A: (O-2014-109 Rev.)

Amending Chapter 4, Article 3, by deleting current Section 43.1001, by amending and renumbering Section 43.1002 to Section 43.1001, by amending and renumbering Section 43.1003 to Section 43.1002, by amending and renumbering Section 43.1004 to Section 43.1003, by amending and renumbering Section 43.1005 to Section 43.1004, by amending and renumbering Section 43.1007 to Section 43.1005, by renumbering Section 43.1008 to Section 43.1006, by amending and renumbering Section 43.1009 to Section 43.1007, by amending and renumbering Section 43.1010 to Section 43.1008; amending Chapter 5, Article 9, Section 59.0502; amending Chapter 6, Article 3, Section 63.20.16; amending Chapter 6, Article 8, Section 68.0131; amending Chapter 14, Article 1, Section 141.0621, of the San Diego Municipal Code, all relating to smoking and the use of tobacco products and electronic cigarettes.

Subitem-B: (O-2014-125 Rev.)

Amending Chapter 3, Article 3, of the San Diego Municipal Code by amending the title of Division 45, and by amending Sections 33.4501, 33.4502, 33.3403, 33.4504, 33.4505, 33.4506, 33.4508, 33.4509, 33.4510, 33.4511, 33.4512, 33.4513, 33.4514, 33.4515, 33.4516, 33.4517, 33.4518, and 33.4519; by amending Chapter 4, Article 3, by amending the title of Division 11, and by amending Sections 43.1101, 43.1102, and 43.1103; all relating to retail sales of tobacco products, electronic cigarettes, electronic cigarette paraphernalia, and vaping juice.

* ITEM-51: Update to the Ocean Beach Community Plan and Local Coastal Program and Associated Documents. (Ocean Beach Community Plan Area. District 2.)

ITEM DESCRIPTION:

The City of San Diego commenced an update to the Ocean Beach Community Plan and Local Coastal Program in 2002. The plan is a comprehensive update to the adopted plan and is guided by the policy direction in the General Plan and reflects new citywide policies and programs from the General Plan. Included as part of the plan update is a revised community plan, rezoning of 99 parcels, and a Programmatic Environmental Impact Report.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 7/29/14, Item 333. (Council voted 9-0.):

(O-2014-118)

Changing 20.53 acres located in Ocean Beach, within the Ocean Beach Community Plan Area, in the City of San Diego, California, from the Single Family Zone of RS-1-7 to the Multi-Family Zone of RM-1-1, and repealing Ordinance No. 32, adopted September 6, 1932, and Ordinance No. 12793, adopted April 14, 1930, of Ordinances of the City of San Diego insofar as the same conflict herewith.

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

- * ITEM-52: Reimbursement Agreement with Black Mountain Ranch, LLC, for the construction of Public Facilities in Black Mountain Ranch and surrounding areas; Waivers of San Diego Municipal Code Section 22.3202, and Council Policies 300-07 and 100-10. (Black Mountain Ranch and Torrey Highlands Community Areas. District 5.)

ITEM DESCRIPTION:

Reimbursement Agreement with Black Mountain Ranch, LLC, and BMR Construction, Inc., for the construction of public facilities in Black Mountain Ranch and surrounding areas; Waiver of the Competitive Bidding requirements and Consultant Services Selection process under San Diego Municipal Code Section 22.3202, and Council Policies 300-07 and 100-10.

STAFF'S RECOMMENDATION:

Introduce the following ordinance:

(O-2015-21)

Introduction of an Ordinance authorizing and directing the Mayor, or his designee, to execute, for and on behalf of the City, the Reimbursement Agreement No. 1038991 with Black Mountain Ranch LLC, and BMR Construction, Inc., for Public Facilities in the Black Mountain Ranch Subarea Plan, for the design and construction of various public facilities under the terms and conditions set forth in the Agreement;

Declaring that San Diego Municipal Code Section 22.3202, and Council Policies 300-07 and 100-10, are waived with respect to Rick Engineering, Wimmer Yamada and Caughey, RECON Environmental, Inc., Geocon Incorporated, KOA Corporation, Q2 Services, Utility Specialists California, Inc., Latitude 33 Planning & Engineering, and Project Design Consultants, all with whom Black Mountain Ranch, LLC, entered into a contract for the public facilities that are the subject of the Agreement prior to the effective date of the Agreement;

Authorizing the Chief Financial Officer to add CIP RD-15000, Camino Del Sur - 2 lanes (Torrey Santa Fe to Dormouse Road), to the Fiscal Year 2015 Capital Improvements Program;

Authorizing the Chief Financial Officer to add CIP RD-15001, Carmel Valley Road Widening (Camino Del Sur to Black Mountain Road), to the FY 2015 Capital Improvements Program;

Authorizing the Chief Financial Officer to increase the Fiscal Year 2015 Capital Improvements Program Budget in CIP RD-15000, Camino Del Sur - 2 lanes (Torrey Santa Fe to Dormouse Road) and appropriate and expend an amount not to exceed \$724,500 from Fund 400094, Torrey Highlands Facilities Benefit Assessments (FBA), for the purpose of designing this public improvement, consistent with the terms and conditions set forth in the Agreement and the timing established in the most recently adopted TH Financing Plan, and contingent upon the adoption of the Fiscal Year 2015 Appropriation Ordinance and further contingent upon the Chief Financial Officer furnishing a certificate certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the Chief Financial Officer to increase the Fiscal Year 2015 Capital Improvements Program Budget in CIP RD-15001, Carmel Valley Road Widening (Camino Del Sur to Black Mountain Road) and appropriate and expend an amount not to exceed \$1,774,058 from Fund 400094, Torrey Highlands FBA, for the purpose of constructing this public improvement, consistent with the terms and conditions set forth in the Agreement and the timing established in the most recently adopted TH Financing Plan, and contingent upon the adoption of the Fiscal Year 2015 Appropriation Ordinance and further contingent upon the Chief Financial Officer furnishing a certificate certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the Chief Financial Officer to appropriate and expend an amount not to exceed \$11,757,961, for the Widening of Via de la Valle from Camino Real to San Andres Drive, consistent with the terms and conditions set forth in the Agreement and the timing established in the most recently adopted BMR Financing Plan, and contingent upon the Chief Financial Officer furnishing a certificate certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

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:

This Agreement will allow Black Mountain Ranch, LLC, to advance the design and construction of various public facilities totaling \$16,714,641, with reimbursement from the Black Mountain Ranch Facilities Benefit Assessment (FBA) in the form of FBA credits totaling \$9,722,033, reimbursement from the Torrey Highlands FBA in the amount of \$2,498,558, and future developer contributions from projects in the area in the amount of \$4,494,050.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

This item was unanimously approved at the July 23, 2014, Infrastructure Committee meeting.

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

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

Fulton/Graham

Primary Contact\Phone: Angela Abeyta\619-533-3674, MS 606F
Secondary Contact\Phone: John Tracanna\619-533-3682, MS 606F
City Attorney Contact: Mendoza, Hilda R.

- * ITEM-53: Interstate 5/Sorrento Valley Road Interchange Improvements Amendment No.1: Time Extension. (Torrey Pines and Torrey Hills Community Areas. District 1.)

ITEM DESCRIPTION:

This action will authorize the First Amendment to Agreement with AECOM Technical Services to extend the expiration date of the Agreement from August 6, 2013, until the completion of the final commitments required by Caltrans for the project or until 5 years from the adoption of this Ordinance, whichever is earliest, at no additional cost to the City.

STAFF'S RECOMMENDATION:

Introduce the following ordinance:

(O-2014-124)

Introduction of an Ordinance authorizing the Mayor, for and on behalf of the City, the First Amendment to an Agreement with AECOM Technical Services, Inc., for the purpose of extending the contract for up to an additional 5 years at no additional cost to the City.

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

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The request is for a time extension at no additional cost to the project.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

- Resolution No. R-304010, dated August 6, 2008, Agreement with AECOM Technical Services, Inc.
- This item was approved at the Infrastructure Committee meeting on July 23, 2014.

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

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

Nagelvoort/Heinrichs

Primary Contact\Phone: Marnell Gibson\619-533-5213
Secondary Contact\Phone: Abi Palaseyed\619-533-4654
City Attorney Contact: Gerrity, Ryan P.

- * ITEM-54: Poway Road Bicycle Path-Class I-First Amendment to the Consultant Agreement with Rick Engineering Company. (Sabre Springs and Miramar Ranch North Community Areas. District 5.)

ITEM DESCRIPTION:

Executing the First Amendment to the Consultant Agreement with Rick Engineering Company to complete design engineering services and to provide engineering support during construction for the Poway Road Bicycle Path-Class I Project.

STAFF'S RECOMMENDATION:

Introduce the following ordinance:

(O-2015-16)

Introduction of an Ordinance authorizing the Mayor, or his designee, to execute, for and on behalf of the City, the First Amendment to the Consultant Agreement with Rick Engineering Company for additional engineering services for CIP S-00943, Poway Road Bicycle Path-Class I PROJECT (Project), in an amount not to exceed \$42,050, under the terms and conditions set forth in the First Amendment to the Agreement;

Authorizing the expenditure of an amount not to exceed \$42,050 from CIP S00943, Poway Road Bicycle Path-Class I, Fund No. 400082, Sabre Springs Facilities Benefit Assessment (FBA), for the purpose of executing this First Amendment to the Consultant Agreement with Rick Engineering Company, contingent upon the Chief Financial Officer first demonstrating that the funds necessary for expenditure are, or will be, available for the above referenced Project;

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:

The First Amendment to the Consultant Agreement with Rick Engineering is not to exceed \$42,050. Funding is available for this First Amendment from Fund No. 400082, Sabre Springs Facilities Benefit Assessment, for the purpose of executing this Amendment to the original Agreement, contingent upon the Chief Financial Officer furnishing a certificate that funds necessary for expenditure are, or will be, on deposit with the City Treasurer. Upon Council approval, this First Amendment will increase the total Agreement amount to \$267,050.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

- This item was heard at the Infrastructure Committee meeting on July 23, 2014.

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

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

This project is included in the Council approved CIP Budget.

- Council Resolution R-303513, dated April 8, 2008, authorizing the Consultant Agreement with Rick Engineering Company for Engineering Design Services Related to the Poway Road Bicycle Path-Class I.
- Council Resolution R-301870, dated September 19, 2006, authorizing the acceptance of \$500,000 from Fund No. 30301, Transnet Bicycle and Pedestrian Fund for the subject project.

Nagelvoort/Heinrichs

Primary Contact\Phone: Marnell Gibson\619-533-5213, MS 908A
Secondary Contact\Phone: Brad Johnson\619-533-5120, MS 908A
City Attorney Contact: Gerrity, Ryan P.

- * ITEM-55: Second Amendment to the Agreement with Dominy + Associates Architects @ Domusstudio LLP, for the South Mission Beach Lifeguard Station Project.
(Mission Beach Community Area. District 2.)

ITEM DESCRIPTION:

Second Amendment to the Agreement with Dominy + Associates Architects @ Domusstudio LLP, for the South Mission Beach Lifeguard Station Project. This Amendment to the Agreement is set for \$98,000 and is required to provide design revisions of the main observation tower, raise the roof of the rescue vehicle facility to allow entrance of larger emergency vehicles, and include Heating Ventilation Air Conditioning (HVAC) system among other selected items. This will bring the total contract amount to \$320,420.

STAFF'S RECOMMENDATION:

Introduce the following ordinance:

(O-2014-129)

Introduction of the Ordinance authorizing the Mayor, or his designee, to execute, for and on behalf of the City, the Second Amendment to an Agreement with Dominy + Associates for the purpose of completing the design of the Project, under the terms and conditions set forth in the Agreement;

Authorizing the expenditure of an amount not to exceed \$98,000 from CIP S-00791, South Mission Beach Lifeguard Station, Fund No. 4008-48, Def Maint 2012A-Proj., for the purpose of providing funds for the above-referenced Project;

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:

The original phase was set at \$122,420; the First Amendment was for \$100,000 and this proposed Second Amendment is set for \$98,000 for a total amount of \$320,420. Funds are available in WBS No. S-00791, South Mission Beach Lifeguard Station Project.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

- In December 07, 2010, the First Amendment to Agreement with Dominy + Associates Architects @ Domusstudio LLP, for the South Mission Beach Lifeguard Station Project was approved by City Council, Ordinance No. O-20011.
- The Second Amendment to Agreement with Dominy + Associates Architects @ Domusstudio LLP, for the South Mission Beach Lifeguard Station was approved at the Infrastructure Committee on July 23, 2014. Since then the fee schedule was revised from \$83,000 to \$98,000.

ACTION: Motion by Councilmember Cole, second by Councilmember Emerald, to forward staff's recommendation to 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: Exemption of a Deputy Director and Two Program Manager Positions from the Classified Service, as approved by the Civil Service Commission on August 4, 2014.

ITEM DESCRIPTION:

This action is to exempt one Deputy Director and two Program Manger positions from the classified service in the Department of Information Technology. Under the direction of the Director of Information Technology, the positions will be responsible for managing the City's contracts for, networks, data center, and application technology services.

STAFF'S RECOMMENDATION:

Introduce the following ordinance:

(O-2015-24)

Introduction of an Ordinance receiving and reviewing a Memorandum from Personnel Director Hadi Dehghani, dated August 7, 2014, which documents that, on August 4, 2014, the City's Civil Service Commission reviewed and favorably commented on a proposal from the Department to exempt from the City's Classified Service one Deputy Director position and two Program Manager positions in the Department. The Deputy Director will oversee the IT Contract Management Section of the Department, and the Program Managers will be part of the IT Contract Management Section;

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 Deputy Director position and two Program Manager positions in the Department of Information Technology, performing the duties set forth in the August 7, 2014, Memorandum from Personnel Director Hadi Dehghani to the Honorable Council President and City Council.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

These positions are included in the Fiscal 2015 Budget as 3 Program Managers. After department management reviewed and refined the scope of the positions, the title of the IT Contract Manager was better defined as a Deputy Director which does not result in any additional financial impact.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: N/A

Behnke/Villa

Primary Contact\Phone: Jonathan Behnke\619-533-3637
Secondary Contact\Phone: Christiana Gauger\619-533-3465
City Attorney Contact: Dawson, Joan F.

- * ITEM-57: Authorize an Amendment to and Restatement of the March 17, 1998, Agreement (OO-18474) between the City of San Diego and the San Dieguito Water District and Santa Fe Irrigation District. (Citywide.)

ITEM DESCRIPTION:

This action is to approve the Amendment to the original Agreement (OO-18474) between the City of San Diego (City), the San Dieguito Water District and Santa Fe Irrigation District (referred collectively as Districts). The Amendment elaborates on the shared responsibilities for the water supply operation and water storage in Lake Hodges Reservoir (Hodges).

STAFF'S RECOMMENDATION:

Introduce the following ordinance:

(O-2014-121)

Introduction of an Ordinance authorizing the Mayor, or designee, to execute, for and on behalf of the City, the First Amendment to and Restatement to the March 17, 1998 Agreement (OO-18474) between the City of San Diego, the San Dieguito Water District and Santa Fe Irrigation District to clarify the respective rights concerning the water supply operation and storage of water in Lake Hodges Reservoir, under the terms and conditions set forth in the Agreement, together with any reasonably necessary modifications or amendments thereto which do not increase project scope or cost and which the Mayor shall deem necessary from time to time in order to carry out the purposes and intent of this project and Agreement;

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 Agreement will allocate Hodges Reservoir's Operations and Maintenance costs (O&M) between the Districts and the City of San Diego. For the period of July 1, 2012, until the San Vicente Dam Raise Project's completion (estimated to be July 2014), Hodges Reservoir's O&M costs will be shared equally amongst the Districts and the City of San Diego. Upon completion of the San Vicente Dam Raise Project, the subsequent O&M costs will be shared amongst the Districts (25%), the City of San Diego (25%), and the San Diego County Water Authority (50%, per separate agreement).

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

- On March 17, 1998, OO-18474 authorized and executed, for and on behalf of the City of San Diego, an Agreement with the Santa Fe Irrigation District and San Dieguito Water District restating rights concerning local water in Lake Hodges.
- This item was heard at the Environment Committee meeting on July 22, 2014, and forwarded to the full Council with a recommendation to approve.

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

VOTE: 3-0; Alvarez-yea, Harris-yea, Emerald-yea, Zapf-not present.

Mulvey/Heinrichs

Primary Contact\Phone: Jesus Meda\619-527-3156, MS 43

Secondary\City Attorney Contact\Phone: Mark M. Mercer\619-533-6295, MS 59

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

This item is being presented to the Council in its capacity as the board of the local redevelopment successor agency, officially known as "the City of San Diego, solely in its capacity as the designated successor agency of the Redevelopment Agency of the City of San Diego, a former public body, corporate and politic" (Successor Agency).

- * ITEM-100: Former Valencia Park Library (101 50th Street) - Approval to Bid and Award. (Central Imperial Redevelopment Project Area and the Imperial Avenue Corridor Master Plan - Imperial Crest Area. District 4.)

ITEM DESCRIPTION:

This action is to approve the bid and award of demolition of the dilapidated former Valencia Park Library building located at 101 50th Street. Demolition will eliminate blighting conditions, minimize future liability to the City and facilitate proposed redevelopment efforts.

STAFF'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2015-100)

Declaring by the Council of the City of San Diego, acting in its capacity as the board of the successor agency, as follows:

Authorizing the Chief Financial Officer (CFO) of the City of San Diego (City) to appropriate and expend an amount not to exceed \$350,927.50 for the demolition of the former Valencia Park Library at 101 50th Street (Project) from funds identified in Line Item 226 of the applicable Recognized Obligation Payment Schedule (ROPS) of the Successor Agency;

Authorizing Civic San Diego (CivicSD), on behalf of the Successor Agency, to advertise and receive bids for demolition of the Project;

Authorizing the Mayor, or designee, to award the demolition contract to the lowest responsible bidder, provided responsive bids from a responsible contractor are within the established budget, and all other requirements are met;

Authorizing the Mayor, or designee, to execute the demolition contract with the lowest responsible bidder for the Project;

Authorizing CivicSD, on behalf of the Successor Agency, to administer the demolition contract, or to contract for the provision of such services to the extent that such services do not cause the Project to exceed the budget;

Approving the plans and specifications for the Project.

Subitem-B: (R-2015-101)

Declaring by the Council of the City of San Diego, acting in its capacity as the board of the successor agency, as follows:

Declaring that the demolition of the former Valencia Park Library at 101 50th Street, is categorically exempt from California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15301 and 15304;

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

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The proposed demolition costs are included in Recognized Obligation Payments Schedule (ROPS) Line Item No. 226, described as “Demolition and remediation costs for 101 50th Street former library building on site...” An Agreement in the amount of \$32,090 with Nasland Engineering has been executed and approved by the Department of Finance for design costs including Project design, cost estimates, bidding and construction support. Funds in the amount of \$383,017.50 are currently available in Line Item No. 226 of ROPS 14-15A from the Redevelopment Property Tax Trust Fund funding source.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: N/A

Phillips/Graham

Primary Contact\Phone: Gretchen Sorenson\619-533-7113

City Attorney Contact: Malcolm, Katherine Anne

* ITEM-101: State Route 11 Freeway Maintenance Agreement between Caltrans and City of San Diego. (Otay Mesa East Community Area. District 8.)

ITEM DESCRIPTION:

This action is to approve a Freeway Maintenance Agreement between Caltrans and the City of San Diego for Segment 1 of the State Route 905/State Route 11 freeway-to-freeway connectors up to Enrico Fermi Drive, which will span over Sanyo Avenue. This Freeway Maintenance Agreement memorializes the roles and responsibilities in regards to executing future maintenance and improvements for the portion of Sanyo Avenue that is within the State right of way.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2015-27)

Authorizing the Mayor, or his designee, to execute a Freeway Maintenance Agreement with Caltrans and the City of San Diego for the State Route 11, under the terms and conditions set forth in the Freeway Maintenance Agreement (FMA No. 11-8384).

STAFF SUPPORTING INFORMATION

FISCAL CONSIDERATIONS:

No funding is required for this action.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

- The State Route 11 Cooperative and Utility Agreements between Caltrans and City of San Diego was heard at the Natural Resources and Cultural Committee meeting on October 16, 2013, and forwarded to the full City Council with a recommendation to approve.
- This action was approved by Council on December 10, 2013, Resolution No. R-308602.
- This item was heard by Smart Growth and Land Use Committee on July 30, 2014.

ACTION: Motion by Councilmember Cole, second by Councilmember Zapf, to recommend approval of staff's recommendation and forward to full City Council.

VOTE: 3-0; Zapf-yea, Cole-yea, Sherman-yea, Lightner-not present.

McFadden/Heinrichs

Primary Contact\Phone: John Helminski\619-527-7504, MS 44
Secondary Contact\Phone: Walter Gefrom\619-527-7509, MS 44
City Attorney Contact: Gerrity, Ryan P.

* ITEM-102: State Route 75 Freeway Maintenance Agreement between Caltrans and City of San Diego. (Barrio Logan Community Area. District 8.)

ITEM DESCRIPTION:

Authorize the execution of the State Route 75 Freeway Maintenance Agreement with Caltrans. This co-op Agreement provides the framework and protocol between the agencies by defining roles, responsibilities, and processes in regards to executing future maintenance and improvements of the streets that are within the Caltrans Right of Way.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2014-799)

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City, an Agreement with the California Department of Transportation (Caltrans) for the maintenance of State Route 75, under the terms and conditions set forth in the Freeway Maintenance Agreement (FMA No. 11-8351).

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

No funding is required for this action.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

This item was heard at the Smart Growth and Land Use Committee meeting on July 30, 2014, and forwarded to the full City Council with a recommendation to approve.

ACTION: Motion by Councilmember Cole, second by Councilmember Zapf, to recommend approval of staff's recommendation and forward to City Council.

VOTE: 3-0; Zapf-yea, Cole-yea, Sherman-yea, Lightner-not present.

McFadden/Heinrichs

Primary Contact\Phone: John Helminski\619-527-7504, MS 44
Secondary Contact\Phone: Walter Gefrom\619-527-7509, MS 44
City Attorney Contact: Gerrity, Ryan P.

* ITEM-103: Joint Exercise of Powers Agreement (JPA Agreement) with the California Municipal Finance Authority.

ITEM DESCRIPTION:

Adopt a resolution for the City of San Diego to become a member of the California Municipal Finance Authority (“CMFA”), a joint exercise of powers authority and public entity of the State of California.

STAFF'S RECOMMENDATION :

Adopt the following resolution:

(R-2014-71)

Authorizing and directing the Mayor, Chief Operating Officer, Chief Financial Officer, and each of his or her respective designees, to execute the Agreement for and on behalf of the City, and approving the Agreement;

Authorizing and directing the Mayor, Chief Operating Officer, Chief Financial Officer, and each of his or her respective designees, to execute such other agreements, documents and certificates, and to perform such other acts and deeds, as may be necessary or convenient to effect the purposes of this Resolution and the transactions herein authorized;

The Clerk shall forward a certified copy of this Resolution and an originally executed Agreement to the Authority in care of its counsel:

Ronald E. Lee, Esq.
Jones Hall
650 California Street, 18th Floor
San Francisco, CA 94108.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

As with the City's existing membership in State California Statewide Communities Development Authority (CSCDA), there are no costs associated with membership in the California Municipal Finance Authority (CMFA) and the City will not be accountable to any financial liability by reason of its membership in the CMFA.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

This item was heard by the Budget and Government Efficiency Committee meeting on July 16, 2014, and forwarded to the full City Council.

ACTION: Motion by Councilmember Alvarez, second by Councilmember Kersey, to move the consent agenda.

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

Kommi/Lewis

Primary Contact\Phone: Lakshmi Kommi\619-236-6928, MS 7B
City Attorney Contact: Will, Brant C.

* ITEM-104: Amendment 1 to the As-Needed Engineering Consultant Services 2012 - 2015 Contract with Brown and Caldwell (H125674). (Citywide.)

ITEM DESCRIPTION:

This action is for approval to amend As-Needed Engineering Consultant Services 2012 - 2015 with Brown and Caldwell, H125674 for an additional \$2,000,000, to continue supporting the Public Utilities Department by providing access to specialized technical services for urgent and emergency work. The new total is not to exceed \$7,000,000.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2015-26)

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City, the First Amendment to the Brown and Caldwell Agreement for As-Needed Engineering Consultant Services for Fiscal Years 2012-2015 (H123674) to increase the total expenditures by \$2,000,000, and to make other changes as more fully set forth in that document, and that for the purposes of this First Amendment compliance with Council Policy 300-7, is hereby waived;

Authorizing the Chief Financial Officer to appropriate and expend an amount not to exceed \$2,000,000 from Dept 2000, Public Utilities, Fund No. 700000, Muni Sewer Revenue, Fund No. 700001, Metro Sewer Utility, or Fund No. 700011, Water Utility Operating for the purpose of funding this First Amendment to the Brown and Caldwell Agreement, contingent upon the adoption of the Annual Appropriation Ordinance for the applicable Fiscal Year and provided that the Chief Financial Officer first furnishes one or more certificates demonstrating that the funds for this expenditure are, or will be, on deposit in the City Treasury.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

If approved, this action will authorize an additional contract amount of \$2 million for a revised total contract of \$7 million. Funds for this action are or will be available in Dept. 2000, Public Utilities, Fund No. 700000, Muni Sewer Revenue; Fund No. 700001, Metro Sewer Utility; or Fund No. 700011, Water Utility Operating; contingent upon the adoption of the Annual Appropriation Ordinance for the applicable fiscal year and 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. Funds are or will be allocated on a task order basis.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

- The City Council approved the As-Needed Engineering Consultant Services for 2012 - 2015 (H125674) on March 19, 2013, Resolution No. R-308042 for the total amount not to exceed \$5,000,000.
- This item was heard at the Environment Committee meeting on July 23, 2014, and forwarded to full City Council with a recommendation to approve.

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

VOTE: 3-0; Alvarez-yea, Harris-yea, Emerald-yea, Zapf-not present.

Sasaki/Heinrichs

Primary Contact\Phone: Pete Wong\858-292-6475, MS 901A
Secondary Contact\Phone: Guann Hwang\858-292-6476, MS 901
City Attorney Contact: Jung, Jeremy A.

* ITEM-105: Second Amendment to Agreement with Enforcement Support Agency, Inc. (ESA), for project management and technical consulting services.

ITEM DESCRIPTION:

This is a request for Council to authorize execution of Amendment No. 2 to the Contract with Enforcement Support Agency, Inc. (ESA). Amendment No. 2 increases the not-to-exceed amount of the Agreement by \$887,313, to \$3,150,028 which will allow work to continue on the interoperable emergency communications systems as part of the Regional Command and Control Communications (3Cs) Border Interoperability Demonstration Project. Amendment No. 2 will extend lead project management and coordination services until March 31, 2016.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2015-35)

Authorizing the Mayor, or his designee, to execute Amendment No. 2 to the Agreement with Enforcement Support Agency Inc. (ESA), for project management and technical consulting services for the Regional Command and Control Communications (3Cs) Program, and to increase the Agreement not-to-exceed amount by \$887,313 for a total not-to-exceed amount of \$3,150,028;

Authorizing the Chief Financial Officer to expend an additional amount not to exceed \$315,942.64 in Grant No. 1000352-2011, Fund No. 600000, and \$101,370.36 in Fund No. 200634, contingent upon the adoption of the Fiscal Year 2015 Appropriation Ordinance and Contingent upon the Chief Financial Officer furnishing a certificate certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the Chief Financial Officer to expend an additional amount not to exceed \$470,000 contingent upon receipt of a fully executed FY 2014 Urban Areas Security Initiative Grant Agreement and the City Comptroller certifying that the funds necessary for expenditure, are available to be encumbered.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

- \$785,942.64 of this request is grant funded. \$470,000 of this request is expected to come from the FY 2014 Urban Areas Security Initiative (UASI) Grant being applied for by the Office of Homeland Security, on behalf of the City of San Diego including the Department of IT. That action is being routed to Council separately.
- \$101,370.36 of this request will be paid from the Regional Command and Control Communications (3Cs) Program Fund that was established for 3Cs-related operations and maintenance costs (R-305750) as per the Business Plan in the 3Cs Memorandum of Understanding (MOU).

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

- On April 15, 2010, City Council authorized the establishment of a Special Fund to support the Regional Command and Control Communications (3Cs) Program Operations (R-305750).
- On July 22, 2010, City Council authorized the Mayor to apply for, accept, and expend approximately \$3.7 million in grant funds for participation in the Border Interoperability Demonstration Project (R-306005).
- On March 1, 2011, City Council authorized an Agreement with the Enforcement Support Agency for the Regional Command and Control Communications Project (R-306604).
- On November 27, 2012, City Council authorized an Amendment to the Agreement with Enforcement Support Agency, Inc., for the Regional Command & Control Communications Project (R-307884).
- On July 16, 2014, a presentation was made to the Budget and Government Efficiency Committee.

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

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

Sierra/Villa

Primary Contact\Phone: Denise McAnally\619-525-8654, MS 23

Secondary Contact\Phone: Huw Williams\619-525-8582, MS 23

City Attorney Contact: Brazier, Noah J.

* ITEM-106: Proposed City Participation in the CaliforniaFIRST Residential Property Assessed Clean Energy (PACE) Program.

ITEM DESCRIPTION:

Property Assessed Clean Energy (PACE) Programs allow property owners to finance energy and water conservation projects through a special tax or assessment on their property. There are four major providers of PACE Programs: Ygrene, HERO, CaliforniaFIRST and FigTree, of which HERO and FigTree have been authorized to provide a "residential" PACE Program to San Diego residents. This item requests authorization to allow a third provider, CaliforniaFIRST, to offer its "residential" PACE Program to San Diego homeowners.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2015-82)

Declaring that the CaliforniaFIRST PACE Program shall be available to all eligible property owners in the City of San Diego, including owners of residential properties otherwise meeting the eligibility requirements of this resolution, Resolution No. 307683 and the requirements of the CaliforniaFIRST PACE Program;

Declaring that the City of San Diego shall not require lender acknowledgement for commercial property applications to the CaliforniaFIRST PACE Program;

Authorizing and directing the City Clerk to transmit a certified copy of this resolution to the Secretary of the Authority, and this resolution shall take effect immediately upon its adoption.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

Some minimal staff time, which will be absorbed by existing staff, will be required for all work related to joining and monitoring this program. All costs related to energy efficiency, water conservation, and/or renewable energy projects will be borne by the property owner.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

- Environment Committee - July 23, 2014

ACTION: Motion by Councilmember Emerald, second by Councilmember Harris, to move staff recommendation to the full City Council.

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

Staff authorized to prepare a resolution to allow the California Statewide Communities Development Authority, as the administrator of the CaliforniaFIRST PACE Program, to offer the program to all owners of residential property in the City of San Diego under the conditions outlined.

- City Council Meeting - April 8, 2014

1. Council adopted R-308871, to allow Western Riverside Coalition of Governments (WRCOG), as the administrator of the Home Energy Renovation Opportunity (HERO) PACE Program, to offer the program to owners of residential property in the City of San Diego.

2. Council adopted R-308872, to allow the California Enterprise Development Authority, as the administrator of the Figtree PACE Program, to offer the program to all owners of residential property in the City of San Diego.

- Environment Committee - February 5, 2014

1. Staff authorized to prepare all necessary Council authorizations to allow the City to participate in the California HERO Program as administered by the Western Riverside Council of Governments (WRCOG) joint powers authority.

2. Staff authorized to prepare a resolution to allow the California Enterprise Development Authority, as the administrator of the Figtree PACE Program, to offer the program to the owners of all residential property in the City.

Sierra/Heinrichs

Primary Contact\Phone: Anita Pyle\858-492-6004, MS 1103A

Secondary Contact\Phone: Dave Weil\858-492-6001, MS 1103A

City Attorney Contact: Will, Brant C.

* ITEM-107: Dissolution of the City of San Diego/Metropolitan Transit Development Board (MTDB) Authority. (Citywide.)

ITEM DESCRIPTION:

Rescission of the amended and restated Joint Exercise of Powers Agreement (JPA) between the City of San Diego and the San Diego Metropolitan Transit Development Board (MTDB) that created the City of San Diego/MTDB Authority and dissolution of the City of San Diego/MTDB Authority.

CITY COMPTROLLER'S RECOMMENDATION:

Adopt the following resolution:

(R-2014-849)

Authorizing and directing the City Comptroller for the City of San Diego, or his designee, to take appropriate measures to rescind the Joint Exercise of Powers Agreement (JPA) and terminate the City of San Diego Metropolitan Transit Development Board Authority (Authority);

Authorizing and directing the City Comptroller for the City of San Diego, or his designee, to file or cause to be filed with the California Secretary of State's Office a notification of the termination of the Authority;

Authorizing and directing the City Comptroller for the City of San Diego, or his designee, to prepare and file such other documents and take such other actions as may be necessary and advisable in connection with the termination of the Authority;

Authorizing, empowering, and directing the City Comptroller for the City of San Diego, or his designee, to execute and deliver in the name of and on behalf of the Authority such deeds, assignments, or other instruments of transfer as may be deemed necessary or proper and to do any and all acts and things necessary to carry out, perform, implement, and consummate the above-described rescission of the JPA Agreement and termination of the Authority.

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

No fiscal impact.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

This item was heard at the Budget Committee meeting on July 16, 2014, and forwarded to the full City Council.

ACTION: Motion by Councilmember Alvarez, second by Councilmember Kersey, to move the consent agenda.

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

Charvel/Lewis

Primary Contact\Phone: Teri Smith\619-236-6709, MS 6A

Secondary Contact\Phone: Marilyn Nguyen\619-235-5885, MS 6A

City Attorney Contact: Bartolotta, Bret A.

* ITEM-108: Dissolution of the San Diego Redevelopment Financing Authority. (Citywide.)

ITEM DESCRIPTION:

Rescission of the Joint Exercise of Powers Agreement (JPA Agreement) between the City of San Diego and the City of San Diego, solely in its capacity as the designated Successor Agency to the Former Redevelopment Agency (Former RDA) of the City of San Diego, that created the San Diego Redevelopment Financing Authority and dissolution of the San Diego Redevelopment Financing Authority.

CITY COMPTROLLER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2014-848)

Authorizing and directing the City Comptroller for the City of San Diego, or his designee, to take appropriate measures to rescind the Joint Exercise of Powers Agreement (JPA Agreement) and terminate the San Diego Redevelopment Financing Authority (Authority);

Authorizing and directing the City Comptroller for the City of San Diego, or his designee, to file or cause to be filed with the California Secretary of State's Office a notification of the termination of the Authority;

Authorizing and directing the City Comptroller for the City of San Diego, or his designee, to prepare and file such other documents and take such other actions as may be necessary and advisable in connection with the termination of the Authority;

Authorizing, empowering, and directing the City Comptroller for the City of San Diego, or his designee, to execute and deliver in the name of and on behalf of the Authority such deeds, assignments, or other instruments of transfer as may be deemed necessary or proper and to do any and all acts and things necessary to carry out, perform, implement, and consummate the above-described rescission of the JPA Agreement and termination of the Authority.

Subitem-B: (R-2014-659)

SUB-ITEM B is being presented to the Council in its capacity as the board of the local redevelopment successor agency, officially known as "the City of San Diego, solely in its capacity as the designated successor agency of the Redevelopment Agency of the City of San Diego, a former public body, corporate and politic" (Successor Agency).

Authorizing and directing the Mayor, or designee, to take appropriate measures to rescind the Joint Exercise of Powers Agreement (JPA Agreement) and terminate the San Diego Redevelopment Financing Authority (Authority);

Authorizing and directing the Mayor, or designee, to file or cause to be filed with the California Secretary of State's Office a notification of the termination of the Authority;

Authorizing and directing the Mayor, or designee, to prepare and file such other documents and take such other actions as may be necessary and advisable in connection with the termination of the Authority;

Authorizing and directing the Mayor, or designee, to execute and deliver in the name of and on behalf of the Authority such deeds, assignments, or other instruments of transfer as may be deemed necessary or proper and is further authorized to do any and all acts and things necessary to carry out, perform, implement, and consummate the above-described rescission of the JPA Agreement and termination of the Authority.

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

No fiscal impact.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

This item was heard at the Budget Committee on July 16, 2014, and forwarded to the full City Council.

ACTION: Motion by Councilmember Alvarez, second by Councilmember Kersey, to move the consent agenda.

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

Charvel/Lewis

Primary Contact\Phone: Teri Smith\619-236-6709, MS: 6A

Secondary Contact\Phone: Marilyn Nguyen\619-235-5885, MS: 6A

City Attorney Contact: Bartolotta, Bret A.\Wander, Adam

- * ITEM-109: Grant acceptance from the Southern California City Clerks Association (SCCCA) for the purchase of a Passport Acceptance Facility (PAF) online appointment scheduling subscription service.

ITEM DESCRIPTION:

Grant acceptance from the Southern California City Clerks Association (SCCCA) for the purchase of a Passport Acceptance Facility (PAF) online appointment scheduling subscription service.

CITY CLERK'S RECOMMENDATION:

Adopt the following resolution:

(R-2015-73)

Authorizing the City Clerk to apply for, accept, and take all necessary actions to secure funding of a grant in the amount not to exceed \$1,000 from the Southern California City Clerks Association to fund the purchase of the appointment scheduling system;

Authorizing the City Clerk to submit all documents, negotiate and execute all agreements necessary, including any amendments, to comply with the grant requirements, and carry out and administer all obligations, responsibilities and duties under the grant;

Authorizing the Chief Financial Officer, to accept, appropriate, and expend up to \$1,000 from Fund No. 600002 for the above-described purpose, provided that the Chief Financial Officer first furnish one or more certificates certifying that the funds are, or will be, on deposit with the City Treasurer.

SUPPORTING INFORMATION

FISCAL CONSIDERATIONS:

This project is funded through the award of a Grant from the Southern California City Clerks Association (SCCCA). Reimbursement by the SCCCA of up to \$1000 will be provided to the City Clerk upon issuing receipt of purchase.

Project Description: The City Clerk has won a grant that would allow for the implementation of online appointment scheduling for the City Clerk's passport services and will provide 24/7 scheduling availability for customers. It is also expected to limit the time agents spend on the phone, freeing them to process more applications. Labor-related savings of as much as \$15,000 per year plus a potential increase in revenue of up to \$42,000 are anticipated.

In the City Clerk's Office alone, online appointment scheduling could also be used by election candidates to receive their nomination period orientation, board and commission members to take their oaths of office, and various filers to arrange for assistance with state and locally-required disclosure documents.

The software vendor used by the City and County of San Francisco for a similar purpose bills at \$79/month (plus potential for add-ons such as extended support) for an advertised annual cost of \$948.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: N/A

Maland

Primary Contact\Phone: Elizabeth Maland\619-533-4080

Secondary Contact\Phone: Bonnie Stone\619-533-4060

City Attorney Contact: Spivak, Sharon B.

* ITEM-110: Authorize retention of outside counsel in the defense of a former police officer in several cases brought against him, the City and other related defendants.

ITEM DESCRIPTION:

This is a request to hire outside counsel, for an amount up to \$250,000, for Christopher Hays, a former San Diego Police Officer, who was sued for allegedly sexually assaulting people while on duty due to the conflict of interest with the City Attorney's Office.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2015-61)

Authorizing the Chief Financial Officer to execute, for and on behalf of the City, an Agreement with Haight, Brown & Bonesteel LLP, for the purposes of the defense of the civil litigation against Mr. Hays, for an amount up to \$250,000 from the Public Liability Fund 720045, solely and exclusively, for the purpose of providing funds for the above-described legal services and litigation expenses;

Authorizing the Chief Financial Officer to appropriate up to \$250,000 from the Public Liability Fund to meet this obligation.

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

Funding for this action in the amount of \$250,000 is available in the Public Liability Fund No. 720045.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

The item was considered in Closed Session on July 1, 2014.

Bamberg

Primary\City Attorney Contact\Phone: Keith Phillips\619-236-6695, MS 59

* ITEM-111: Settlement of property damage Claim of Richard Mursinna.

ITEM DESCRIPTION:

Settlement of property damage caused by a Water Department crew cutting a water service line during a repair procedure on December 4, 2013.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2015-60)

Authorizing the Mayor, or his designee, to pay the sum of \$64,515 from the Water Utility Operating Fund, Fund No. 700011, in settlement of each and every claim for damages, interest, costs and fees of any type, including but not limited to attorneys fees, against the City of San Diego, its agents and employees resulting from the property damage claim of Richard Mursinna;

Authorizing the Chief Financial Officer to expend the amount of \$64,515 from the Water Utility Operating Fund No. 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, and upon the adoption of the fiscal year Annual Appropriations Ordinance;

Authorizing the City Comptroller to issue one check in the amount of \$64,515 made payable to Richard Mursinna.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

Settlement amount of \$64,515 will be paid from the Water Utility Operating Fund No. 700011.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

The item was approved at Closed Session June 10, 2014.

Bych/Lewis

Primary Contact\Phone: Charles Hopper\619-533-6555, MS 51B

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

* ITEM-112: Settlement of personal injury claim of Guadalupe Pomposo, Risk Management File No. 7716.

ITEM DESCRIPTION:

This a complaint for personal injuries suffered by Plaintiff as the result of a motor vehicle versus pedestrian accident. The proposed settlement would resolve all claims brought by Guadalupe Pomposo.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2015-79)

Authorizing the Mayor, or his designee, to pay the sum of \$180,000 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 the City of San Diego, its agents and employees, arising from the personal injury claim of *Guadalupe Pomposo v. City of San Diego, et al.*, San Diego Superior Court Case No. SDSC 37-2013-00071618-CU-PA-CTL;

Authorizing the Chief Financial Officer to appropriate and expend \$180,000 from the Public Liability Fund, Fund No. 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 \$180,000, made payable to Scott M. Blumen, Attorney Client Trust Account and Guadalupe Pomposo.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

Settlement amount of \$180,000 will be paid from the Public Liability Fund, Fund No. 720045.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

The item was approved in Closed Session on July 29, 2014.

Bamberg

Primary\City Attorney Contact\Phone: Kathy Steinman\619-533-6458

Secondary Contact\Phone: Laura Arehart\619-533-5900

* ITEM-113: Settlement of personal injury claim of Robert Smouse. Risk Management File No. 6940.

ITEM DESCRIPTION:

This a complaint for personal injuries suffered by Robert J. Smouse, as the result of an accident with San Diego Fire Engine No. 29 on May 21, 2012, at the U.S. Customs and Immigration parking lot. The proposed settlement would resolve all claims brought by Robert J. Smouse, and the workers' compensation carrier, the Insurance Company of the State of Pennsylvania.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2015-83)

Authorizing the Mayor, or his designee, to pay the sum of \$185,000 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 the City of San Diego, its agents and employees, arising from the personal injury claim of *Robert J. Smouse v. City of San Diego, et al.*, San Diego Superior Court Case No. 37-2013-00043998-CU-PA-CTL;

Authorizing the Chief Financial Officer to appropriate and expend \$185,000 from the Public Liability Fund, Fund No. 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 two checks totaling \$185,000, made payable to: (1) Insurance Company of the State of Pennsylvania for \$92,500; and (2) Robert Smouse and Robert Bruce Arnold, his attorney for \$92,500.

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

Settlement amount of \$185,000 will be paid from Public Liability Fund No. 720045.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

The item was considered in Closed Session on July 22, 2014.

Bamberg

Primary\City Attorney Contact\Phone: George Schaefer\619-533-5861

- * ITEM-114: Ordering Foreclosure Actions Against Delinquent Parcels of Land. (Santaluz and Otay Community Areas. Districts 5 and 8.)

ITEM DESCRIPTION:

City Council adoption of a resolution authorizing and ordering the filing of judicial foreclosure lawsuits related to certain delinquent special taxes and assessments.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2015-124)

Declaring that the Mello-Roos Act, the 1915 Act, and the 1984 Act, authorizing the filing of judicial foreclosure lawsuits to collect delinquent Taxes and Assessments, and interest and penalties thereon for non-payment of delinquent Taxes and Assessments and that the City has covenanted through the respective bond financing documents to file such lawsuits when certain delinquency thresholds are reached and hereby orders that the delinquent Taxes and Assessments, and all future delinquent Taxes and Assessments, be collected by action brought in the appropriate Superior Court to foreclose, so long as such Taxes and Assessments remain delinquent at the time that the foreclosure lawsuit is filed, the respective liens on the following parcels:

Parcel No. 303-122-06-00
Parcel No. 646-141-31-00
Parcel No. 646-161-17-00
Parcel No. 646-161-18-00
Parcel No. 646-161-29-00

Declaring that the Mello-Roos Act, the 1915 Act, and the 1984 Act, provides for the payment of the costs and attorneys fees for prosecution of the foreclosure lawsuits authorized by the City Council. These costs and fee shall be paid by the delinquent property owners through the recovery process or the Delinquency Fund. The City Council hereby authorizes the City Attorney to require payment of all costs and all attorneys fees incurred in the applicable foreclosure lawsuit as a condition of such redemption which shall be used to reimburse the Delinquency Fund;

Authorizing and directing the City Personnel in conjunction with the City Attorney's Office and other City consultants to: 1) record applicable notices of intent to remove the delinquent special tax and assessment installments from the tax rolls, and 2) request that the County Auditor and Controller remove current and future delinquent special tax and assessment installments from the tax rolls.

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

There will be no fiscal impact to the City as a result of this action. This action will facilitate recovery of the delinquent amounts to the Debt Service Funds of the subject districts. All costs related to the foreclosure actions would be reimbursed through the delinquency recovery process and the City's Special Assessment District Delinquency Fund.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

None related to this proposed action. The City Council has approved similar actions annually. The most recent action on September 10, 2013 (Resolution R-308419), the City Council approved foreclosure lawsuits against delinquent parcels of land within one of the City's Community Facilities Districts and two of its Assessment Districts.

Bamberg

Primary\City Attorney Contact\Phone: Jon Taylor\619-235-5898, MS 59

* ITEM-115: Amendments to the 2014 Legislative Calendar.

ITEM DESCRIPTION:

Amend the 2014 Legislative Calendar as reflected in the revised calendar attached.

COUNCIL PRESIDENT GLORIA'S RECOMMENDATION:

Adopt the following resolution:

(R-2015-125 Cor. Copy)

Amending the 2014 Legislative Calendar, by adding and adjourning meetings, or changing the time of meetings, as set forth in this resolution and as reflected in the amended 2014 Legislative Calendar.

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

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS: None.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

The 2014 Legislative Calendar was previously adopted on December 10, 2013.

Jurado-Sainz

Primary Contact\Phone: Diana Jurado-Sainz\619-533-3920

City Attorney Contact: Spivak, Sharon B.

* ITEM-116: Appointments and Reappointments to the Mission Bay Park Committee.

MAYOR FAULCONER'S RECOMMENDATION:

Adopt the following resolution:

(R-2015-15)

Council confirmation of the following appointment and reappointment by the Mayor of the City of San Diego, to serve as members of the Mission Bay Park Committee, for terms ending as indicated:

<u>NAME</u>	<u>CATEGORY</u>	<u>TERM ENDING</u>
Ron Anderson (Pacific Beach, District 2) (Filling the vacant seat previously held by Katy Bendel)	District 6 Representative	June 30, 2016
Cynthia Hedgecock (Mission Beach, District 2) (Reappointment)	District 2 Representative	June 30, 2016
David Potter (Bay Park, District 6) (Reappointment)	District 6 Representative	June 30, 2016
James Greene (Pacific Beach, District 2) (Filling the vacant seat previously held by David Hall)	Hotel Lessee Representative	June 30, 2016

* ITEM-117: Reappointments to the Consolidated Plan Advisory Board.

MAYOR FAULCONER'S RECOMMENDATION:

Adopt the following:

(R-2015-120)

Council confirmation of the following reappointments by the Mayor of the City of San Diego, to serve as members of the Consolidated Plan Advisory Board, for terms expiring as indicated:

<u>NAME</u>	<u>CATEGORY</u>	<u>TERM ENDING</u>
Aaron Friberg (Downtown, District 3) (Reappointment)	Council District 8	July 1, 2016
Vicki Granowitz (North Park, District 3) (Reappointment)	Council District 3	July 1, 2016
Richard Thesing (Tierrasanta, District 7) (Reappointment)	Council District 7	July 1, 2016
Dr. Maruta Gardner (Ocean Beach, District 2) (Reappointment)	Council District 2	July 1, 2016
Nohelia Patel (Fairmount Park, District 9) (Reappointment)	Council District 9	July 1, 2016

- * ITEM-118: Resolution excusing Councilmember Marti Emerald from attending the Committee on Economic Development and Intergovernmental Relations on Wednesday, July 30, 2014, due to illness.

COUNCILMEMBER EMERALD'S RECOMMENDATION:

Adopt the following resolution:

(R-2015-72)

Excusing Councilmember Marti Emerald from attending the July 30, 2014, meeting of the Committee on Economic Development and Intergovernmental Relations, due to illness.

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

- * ITEM-119: 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-2014-727)

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-120: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2015-39)

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

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

ITEM-330: City Auditor's Performance Audit of IT Web Services.

ITEM DESCRIPTION:

Receive the City Auditor's Performance Audit of IT Web Services.

CITY AUDITOR'S RECOMMENDATION:

Informational item only.

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS: N/A

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

The report was presented to the Audit Committee on January 27, 2014.

ACTION: Motion by Committee Member Hebrank, second by Councilmember Sherman, to accept the audit and forward it to the full City Council.

VOTE: 5-0; Faulconer-yea, Sherman-yea, Schreiner-yea, Valdivia-yea, Hebrank-yea.

No changes have been made to the report since it was presented to the Committee.

Luna

Primary Contact\Phone: Chris Kime\619-533-3030

Secondary Contact\Phone: Kyle Elser\619-533-3007

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

ITEM-331: City Auditor's Performance Audit of Mission Bay and San Diego Regional Parks Improvement Funds, Fiscal Year 2013.

ITEM DESCRIPTION:

Receive the City Auditor's Performance Audit on Mission Bay and San Diego Regional Parks Improvement Funds, Fiscal Year 2013.

CITY AUDITOR'S RECOMMENDATION:

Informational item only.

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS: N/A

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

The report was presented at the Audit Committee meeting on June 9, 2014.

ACTION: Motion by Councilmember Harris, second by Audit Committee Member Hebrank, to accept and forward the report to the full City Council.

VOTE: 5-0; Sherman-yea, Harris-yea, Hebrank-yea, Schreiner-yea, Valdivia-yea.

No changes have been made to the report since it was presented to the Committee.

Luna

Primary Contact\Phone: Danielle Knighten\619-533-3032

Secondary Contact\Phone: Kyle Elser\619-533-3007

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

RESOLUTIONS:

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

ITEM-332: Recommendation to enter into a Cooperative Procurement Agreement through the use of the Western States Contract Alliance's (WSCA) contract for wireless communication and equipment.

ITEM DESCRIPTION:

The Department of Information Technology (IT) will be providing a recommendation that the City enter into a Cooperative Procurement Agreement through use of the Western States Contract Alliance's (WSCA) contract for wireless communication and equipment when the current extension of the contract with Sprint Solutions, Inc., expires on October 24, 2014. Entering into a Cooperative Procurement Agreement with WSCA for wireless communication and equipment will be at an annual not-to-exceed cost of \$2.1 million

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2015-81)

Authorizing the Mayor, or his designee, for and on behalf of the City, to utilize one or more Western States Contract Alliance (WSCA) Agreements procured through the State of Nevada, for wireless communication services and equipment, under the terms and conditions set forth in the WSCA Agreements as modified by the terms and conditions of the California Participating Addendum;

Authorizing the Chief Financial Officer, to appropriate and expend an amount not to exceed \$2.1 million for the period running from October 25, 2014, through October 24, 2015, and \$2.1 million for the period running from October 25, 2015, through October 31, 2016, with the \$2.1 million being funded as follows: \$1.4 million from the General Fund, and \$0.7 million from various Non-General Funds, solely and exclusively, to provide funds for the WSCA Agreements, provided that the Chief Financial Officer furnishes one or more certificates demonstrating that the funds for this expenditure are, or will be, on deposit in the City Treasury.

STAFF SUPPORTING INFORMATION:**FISCAL CONSIDERATIONS:**

This action seeks to authorize the Chief Financial Officer to expend up to \$2.1 million per year from October 24, 2014, through October 31, 2016. Approximately \$1.4 million from the General Fund and \$0.7 million from the Non-General Funds will be spent from the Fiscal Year 2015 Budget (see Attachment). The last Amendment to the Sprint contract requested a not-to-exceed amount of \$1.9 million for City cell phones and modems on the Sprint contract. The \$0.2 million increase in the “not-to-exceed” amount is due to the inclusion of wireless services obtained by City departments outside of the current contract with Sprint.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

- October 17, 2011, City Council authorized the Agreement with Sprint Solutions, Inc. (R-307036).
- October 18, 2011, City Council authorized execution of a Marketing Partnership Agreement between the City and Sprint Solutions, Inc. (R-307065).
- October 2, 2013, Budget and Finance Committee requested that the one-year option be changed to a month-to-month term until the items described in the Item Summary are addressed.
- October 28, 2013, City Council authorized execution of Amendment No. 1 to the Agreement which changed the term of the Agreement to a month-to-month term while the list of deliverables targeted to improve voice and data services for public safety are addressed. (R-308541).
- October 30, 2013, Budget and Finance Committee, the Independent Budget Analyst presented a report regarding Public Safety Communication issues with Sprint Solutions, Inc., the Department of IT, SDPD, and SD Fire-Rescue.
- November 21, 2013, and January 29, 2014, Budget and Finance Committee, the Department of IT presented a report regarding the status of the contract with Sprint Solutions, Inc.
- February 26, 2014, and March 19, 2014, Committee on Budget and Government Efficiency, the Department of IT presented a report regarding the status of the contract with Sprint Solutions, Inc. and committed to providing a recommendation on the contract to Committee.

Committee request: Range of voice performance Citywide, including specific areas with poor coverage is addressed on PowerPoint Slides No. 3-6, Committee request: The number of cell phone users in the monthly voice performance metrics, and the location of those users is addressed on PowerPoint Slide No. 6, Committee request: A comparison of voice performance from other vendors is addressed on PowerPoint Slide No. 3.

- July 16, 2014, Committee on Budget and Government Efficiency, the Department of IT presented a report regarding the status of the contract with Sprint Solutions, Inc., as per prior Committee request, and recommended that the City enter a Cooperative Procurement through use of WSCA's contract for wireless communication and equipment. This recommendation was approved and forwarded to Council for consideration.

ACTION: Motion by Councilmember Zapf, second by Council President Gloria, to recommend approval of staff recommendation and forward to Council.

VOTE: 3-0; Gloria-yea, Zapf-yea, Alvarez-yea.

RECUSED: 2-0; Lightner, Kersey.

Sierra/Villa

Primary Contact\Phone: Mario Sierra\619-533-3637

Secondary Contact\Phone: Christina Gauger\619-533-8657

City Attorney Contact: Lastomirsky, Steven R.

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

ITEM-333: Preliminary Items Pursuant to Issuing Multifamily Housing Revenue Bonds for Pacific Highlands Ranch Family Housing I and II. (District 1.)

ITEM DESCRIPTION:

Take the initial steps to issue Housing Authority of the City of San Diego multifamily housing revenue bonds to fund land acquisition for and the development of Pacific Highlands Ranch (PHR) Family Housing, a 197-unit multifamily development located in Pacific Highlands Ranch. The development will be structured as two separate projects: a 107-unit development known as PHR Family Housing I and a 90-unit development known as PHR Family Housing II.

SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2015-78)

Declaring the City Council of the City of San Diego, as the applicable elected representative under Section 147(f) of the Code, approves the issuance of the Bonds by the Housing Authority of the City of San Diego (Authority);

Declaring that the City of San Diego (City) does not warrant the creditworthiness of the multifamily housing revenue bonds (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 the Pacific Highlands Ranch Family Housing II Project (Project) is covered under the Pacific Highlands Ranch Master EIR (No 96-7918) and a subsequent document, Findings to MEIR 96-7918 for Units 12-16 (Project No. 1693), which environmental documents concluded that pursuant to Section 15162 of the California Environmental Quality Act (CEQA), there is no change in circumstance, additional information, or project changes to warrant additional environmental review. Additionally, processing under the National Environmental Policy Act is not required as there are no Federal funds involved with this Project.

Subitem-B (R-2015-80)

Declaring the City Council of the City of San Diego, as the applicable elected representative under Section 147(f) of the Code, approves the issuance of the Bonds by the Authority;

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 the Project is covered under the Pacific Highlands Ranch Master EIR (No. 96-7918) and a subsequent document, Findings to MEIR 96-7918 for Units 12-16 (Project No. 1693), which environmental documents concluded that pursuant to Section 15162 of the California Environmental Quality Act, there is no change in circumstance, additional information, or project changes to warrant additional environmental review. Additionally, processing under the National Environmental Policy Act is not required as there are no federal funds involved with this Project.

SUPPORTING INFORMATION

FISCAL CONSIDERATIONS:

The proposed funding sources and uses approved by this action are included in the Housing Commission FY 2015 Housing Commission Budget. Approving this action will have no impact on the FY 2015 total budget.

FY 2015 funding sources approved by this action will be as follows:

Bond Issuance Fees - \$87,500

FY 2015 funding uses approved by this action will be as follows:

Rental Housing Finance Program Administration Costs - \$87,500

Please refer to staff report for further information.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

This item was approved at the August 1, 2014, Housing Commission meeting by a vote of 5-0.

Davis/Graham

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

City Attorney Contact: Bartolotta, Bret A.

NOTE: See the Housing Authority Agenda of September 16, 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-334: Old Otay Mesa Road Improvements, Project No. 287806. (Otay Mesa Community Plan Area. District 8.)

ITEM DESCRIPTION:

The project area includes a 3,700-foot long section of Old Otay Mesa Road located south of State Route 905 and east of Interstate 805, within the Otay Mesa Community Planning area. Portions of the project site are located within an open space easement and dedicated parkland. The proposed work would occur within the City right-of-way and within dedicated parkland.

STAFF'S RECOMMENDATION:

Adopt the following resolutions in Subitems A, B, and C, and introduce the ordinance in Subitem D:

Subitem-A: (R-2015-95)

Adoption of a Resolution certifying that the Declaration has been completed in compliance with the California Environmental Quality Act of 1970 (CEQA) (Public Resources Code Section 21000 et seq.), as amended, and the State CEQA Guidelines thereto (California Code of Regulations, Title 14, Chapter 3, Section 15000 et seq.), that the Declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said Declaration, together with any comments received during the public review process, has been reviewed and considered by the City Council in connection with the approval of the Project;

Adopting said Declaration, the City Council finds on the basis of the entire record that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study, that there is no substantial evidence that the Project will have a significant effect on the environment;

Adopting the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the Project as required by this Hearing Officer in order to mitigate or avoid significant effects on the environment, pursuant to CEQA Section 21081.6, which is attached hereto as Exhibit A;

The Declaration and other documents constituting the record of proceedings upon which the approval is based are available to the public at the Office of the City Clerk, 202 C. Street, San Diego, CA 92101;

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

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

Subitem-B: (R-2015-88)

Adoption of a Resolution certifying findings with respect to Site Development Permit No. 1013229, which are supported by the minutes, maps and exhibits, all of which are incorporated herein by this reference;

Granting Site Development Permit No. 1013229 to City of San Diego, Owner, and City of San Diego Public Works-Engineering and Capital Projects, Permittee, under the terms and conditions set forth in the attached permit which is made a part of this Resolution.

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

Subitem-C: (R-2015-92)

Adoption of a Resolution vacating a 0.25-Acre Open Space Easement for Old Otay Mesa Road Improvements, Project No. 287806;

Vacating the open space easement located within a portion of Lot C of Princess Park in California Terraces, in the City of San Diego according to Map No.14730, filed December 31, 2003 as Document No. 2003-1524219 and granted to the City of San Diego per Documents No, 2003-1524262, recorded December 31, 2003, in connection with Site Development Permit No. 1013229, as more particularly described in the legal description marked as Exhibit "A," and shown on Drawing No. 38069-1-C, marked as Exhibit "B," which are by this reference incorporated herein and made a part hereof. An approved copy of Drawing No. 38069-1-C will be filed in the Record Section of the Development Services Department;

Directing the Development Services Department to record a certified copy of this Resolution with attached exhibits, attested by the City Clerk under seal, in the Office of the County Recorder.

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

Subitem-D: (O-2015-22)

Introduction of an Ordinance setting aside a portion of certain dedicated City Parkland located in the Otay Mesa Community for the opening and maintenance of a city street pursuant to San Diego Charter Section 55.

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

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The total estimated project cost is \$11,536,672 which includes design and construction of this project. The project is funded through OTAY MESA FACILITIES BENEFIT ASSESSMENT (FBA) – WEST Fund No. 400093 in the amount of \$4,954,000, OTAY MESA–WESTERN Development Impact Fee (DIF) Fund No.400102 in the amount of \$546,000, PROP A Fund No. 400156 in the amount of \$39,346 and TRANSNET Fund No. 400169 in the amount of \$5,997,326.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

The Consultant Agreement was approved by the City Council on March 26, 2010, by Resolution No. 305678.

Vacchi/Graham/hd

Primary Contact\Phone: Helene Deisher\619-446-5223, MS 501
Secondary Contact\Phone: Angela Nazareno\619-446-5277, MS 501
City Attorney Contact: Thomas, Shannon M.

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT