

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 23, 2014

**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
TUESDAY, SEPTEMBER 23, 2014, AT 2:00 PM (Rev. 9/17/14)
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 2:00 p.m. The City Council will meet in Closed Session this afternoon from 1:00 p.m. – 2:00 p.m. Copies of the Closed Session agenda are available in the Office of the City Clerk. (Rev. 9/17/14)

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:

07/14/2014 - Special 4:00 p.m.
07/21/2014 - 2:00 p.m.
07/21/2014 - Adjourned 6:00 p.m.
07/22/2014
07/28/2014
07/29/2014

PROCLAMATIONS/CEREMONIAL ITEMS

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

ITEM-30: Ovarian Cancer Awareness Month.

PRESENTED BY COUNCIL PRESIDENT PRO TEM LIGHTNER:

Proclaiming September 2014, to be "Ovarian Cancer Awareness Month" in the City of San Diego.

ITEM-31: Workforce Development Month.

PRESENTED BY COUNCIL PRESIDENT GLORIA AND COUNCIL PRESIDENT PRO TEM LIGHTNER:

Proclaiming September, to be "Workforce Development Month" in the City of San Diego.

ITEM-32: CrossFit Invictus Day.

PRESENTED BY COUNCIL PRESIDENT GLORIA AND COUNCILMEMBER HARRIS:

Proclaiming September 23, 2014, to be "CrossFit Invictus Day" in the City of San Diego.

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

ITEM-33: Solana Ranch Elementary School Day.

COUNCIL PRESIDENT PRO TEM LIGHTNER'S RECOMMENDATION:

Proclaiming September 5, 2014, to be "Solana Ranch Elementary School Day" in the City of San Diego.

ITEM-34: Hunger Action Month.

COUNCIL PRESIDENT GLORIA'S RECOMMENDATION:

Proclaiming September, to be "Hunger Action Month" 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
RESOLUTIONS:**

- * ITEM-100: Resolution authorizing the Mayor to execute an Amendment to an Agreement with Hanson Bridgett, LLP, for tax and employee benefit legal services, and authorizing additional funding of up to \$125,000.

ITEM DESCRIPTION:

This item is to authorize the City to expend additional funding of up to \$125,000 to pay for tax and employee benefits legal work by the law firm Hanson Bridgett, LLP, for July 1, 2014, through June 30, 2015.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2015-22)

Authorizing the Mayor, or his designee, and the City Attorney, to amend the Agreement for Legal Services with Hanson Bridgett, LLP, for legal services and expenses incurred in providing tax and employee benefits legal service, in an amount not to exceed an additional \$125,000, for a total contract amount of \$375,000;

Authorizing the Chief Financial Officer to expend an amount not to exceed an additional \$125,000 in accordance with the Citywide FTE Allocation Schedule for the Agreement with outside counsel for the services referenced above, and the Chief Financial Officer furnishing one or more certificates certifying that the funds necessary for expenditure under established agreement funding are, or will, be, on deposit with the City Treasurer.

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The authorization for the retention of outside counsel is for an additional amount not to exceed \$125,000, allocated according to the Fiscal Year 2015 FTE allocation schedule.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: N/A

Nuesca/Bamberg

Primary Contact\Phone: Jan Goldsmith\619-236-6220, MS 59

Secondary\City Attorney Contact\Phone: Roxanne Story Parks\619-533-5850, MS 59

* ITEM-101: Settlement of *Johneisha Kemper v. County of San Diego, et al.*, San Diego Superior Court Case No. 37-2010-00094707-CU-CR-CTL Risk File No. 2228.

ITEM DESCRIPTION:

Payment of \$225,000 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 *Johneisha Kemper v. County of San Diego, et al.*, San Diego Superior Court Case No. 37-2010-00094707-CU-CR-CTL.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2015-147)

Authorizing the Mayor, or his designee to pay the sum of \$225,000 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 *Johneisha Kemper v. County of San Diego, et al.*, San Diego Superior Court Case No. 37-2010-00094707-CU-CR-CTL;

Authorizing the Chief Financial Officer to appropriate and expend the sum of \$225,000 from the Public Liability Fund No. 720045, contingent upon the Chief Financial Officer first furnishing one or more certificates certifying that the funds necessary for this expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the City Comptroller to issue a check in the amount of \$225,000, made payable to the "Law Offices of Shawn A. McMillan A.P.C. - Attorney/Client IOLTA Trust Account."

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

Settlement amount of \$225,000 will be paid from the Public Liability Fund No. 720045.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

This item was considered in Closed Session on July 29, 2014.

Bamberg

Primary\City Attorney Contact\Phone: David Karlin, Deputy City Attorney\619-533-5816

* ITEM-102: Adopting a Records Disposition Schedule (RDS) for the Ethics Commission.

ITEM DESCRIPTION:

Approve requested action.

CITY CLERK'S RECOMMENDATION:

Adopt the following resolution:

(R-2015-77)

Approving the Records Disposition (RDS) Schedule for the Ethics Commission.

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS: N/A

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: N/A

Maland

Primary Contact\Phone: Sabrina Tatum\619-235-5245, MS 2A
Secondary Contact\Phone: Elena Mendoza\619-236-6035, MS 2A
City Attorney Contact: Spivak, Sharon B.

* ITEM-103: Revising the Records Disposition Schedule (RDS) for the Police Department.

ITEM DESCRIPTION:

Adopt the revised Records Disposition Schedules (RDS) as submitted.

CITY CLERK'S RECOMMENDATION:

Adopt the following resolution:

(R-2015-126)

Approving the Records Disposition Schedule (RDS) for the Police Department.

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS: N/A

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: N/A

Maland

Primary Contact\Phone: Sabrina Tatum\619-235-5245, MS 2A
Secondary Contact\Phone: Elena Mendoza\619-236-6035, MS 2A
City Attorney Contact: Spivak, Sharon B.

* ITEM-104: Reappointments to the Small Business Advisory Board.

MAYOR FAULCONER'S RECOMMENDATION:

Adopt the following resolution:

(R-2015-130)

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

<u>NAME</u>	<u>CATEGORY</u>	<u>TERM ENDING</u>
Dr. Ruben Garcia (Chula Vista) (Reappointment)	Small Business Administrative Director	July 1, 2016
Joseph Fox (La Mesa) (Reappointment)	At-Large Member	July 1, 2016
Michelle Gray (San Carlos, District 7) (Reappointment)	Small Business Owner	July 1, 2016
Gary Peterson (Point Loma, District 2) (Reappointment)	Advocate of Small Business Interests	July 1, 2016
Guy Hanford (Poway) (Reappointment)	Small Business Owner	July 1, 2016

Declaring, that pursuant to Council Policy 000-13, for purposes of deliberation and consideration of appointments, it is determined that Dr. Ruben Garcia, Joseph Fox and Guy Hanford are residents of San Diego County, but not the City Of San Diego, and have unique qualifications to serve as members of the Board; therefore, conscious exceptions to Council Policy 000-13 are hereby declared.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

ITEM-330: Informational Update from the Personnel Department regarding the Civil Service Hiring Process.

ITEM DESCRIPTION:

Informational Update from the Personnel Department regarding the Civil Service Hiring Process - Information Only.

PERSONNEL DIRECTOR'S RECOMMENDATION:

Information item only.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS: N/A

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: N/A

Wallace

Primary Contact\Phone: Donna Wallace\619-236-7125

ITEM-331: City Auditor's Performance Audit of the Personnel Department.

ITEM DESCRIPTION:

Receive the City Auditor's Performance Audit of the Personnel Department.

CITY AUDITOR'S RECOMMENDATION:

Informational item only.

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS: N/A

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

- The report was first presented to the Audit Committee on December 5, 2013, and the Committee took the following action:

The item was continued to the meeting of January 13, 2014, to allow review of the then-unpublished report from the Independent Budget Analyst on the same subject, and with direction for the Fire-Rescue and Police Departments to provide written responses to the performance audit.

- The report and discussion of the Fire-Rescue and Police Department responses were then presented to the Audit Committee on January 13, 2014, and the Committee took the following action:

ACTION: Motion by Committee Member Hebrank, second by Chair Faulconer, to accept the report and forward to the full Council.

VOTE: 4-0-1; Faulconer-yea, Sherman-yea, Schreiner-yea, Hebrank-yea, Valdivia-absent.

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

Luna

Primary Contact\Phone: Matthew Helm\619-533-3016

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

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT