

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 30, 2014

**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
TUESDAY, SEPTEMBER 30, 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. (Rev. 9/25/14)

OTHER LEGISLATIVE MEETINGS

The **SAN DIEGO HOUSING AUTHORITY** is scheduled to meet today in the Council Chambers. A separate agenda is published for it, and is available in the Office of the City Clerk. For more information, please contact the Housing Authority Secretary at (619) 578-7564.

Internet access to the agenda is available at:

<http://www.sdhc.org/Media-Center/SDHC-Meetings/Housing-Authority-Meetings/>

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF COUNCIL MINUTES

The Council Minutes of the following meetings will be approved by Unanimous Consent unless pulled for discussion:

08/04/2014 -Adjourned
08/05/2014 - Adjourned
08/07/2014 - Special 12:30 p.m.
08/07/2014 - Special 2:00 p.m.
08/11/2014 - Adjourned
08/12/2014 - Adjourned
08/18/2014 - Adjourned
08/18/2014 - Special 11:00 a.m.
08/19/2014 - Adjourned
08/25/2014 - Adjourned
08/26/2014 - Adjourned
08/26/2014 - Special 2:30 p.m.

PROCLAMATIONS/CEREMONIAL ITEMS

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

ITEM-30: 10th Annual Filipino-American Arts and Culture Festival Day.

PRESENTED BY COUNCILMEMBER COLE:

Proclaiming October 4, 2014, to be the "10th Annual Filipino-American Arts and Culture Festival Day" in the City of San Diego.

ITEM-31: Domestic Violence Awareness Month.

PRESENTED BY COUNCILMEMBER COLE AND COUNCILMEMBER EMERALD:

Proclaiming October 2014, to be "Domestic Violence Awareness Month" in the City of San Diego.

ITEM-32: Dress for Success San Diego Day.

PRESENTED BY COUNCILMEMBER EMERALD:

Proclaiming September 30, 2014, to be "Dress for Success San Diego Day" in the City of San Diego, in recognition of its importance to the development of aspiring professional women.

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

ITEM-33: Constitution Week.

MAYOR FAULCONER'S AND COUNCIL PRESIDENT PRO TEM LIGHTNER'S RECOMMENDATION:

Proclaiming September 17, through September 23, 2014, to be "Constitution Week" in the City of San Diego.

ITEM-34: Dr. Jon Nachison Day.

MAYOR FAULCONER'S RECOMMENDATION:

Proclaiming July 19, 2014, to be "Dr. Jon Nachison Day" in the City of San Diego, recognizing him as a celebrated community leader and an inspiration.

SPECIAL ORDERS OF BUSINESS

None.

ADOPTION AGENDA, CONSENT ITEMS

The Consent items listed beginning on the next page are considered to be routine, and the appropriate Environmental Impact Reports have been considered. These items are indicated on the docket by a preceding asterisk (*). Because these items may be handled quickly, if you wish to be heard submit your Request to Speak form prior to the start of the meeting.

NON-AGENDA PUBLIC COMMENT

This portion of the agenda provides an opportunity for members of the public to address the Council on items of interest within the jurisdiction of the Council. (Comments relating to items on today's docket are to be taken at the time the item is heard.)

Per Section 22.0101, Rule 2.6, of the San Diego Municipal Code, comments are limited to three minutes per speaker, and three minutes per subject regardless of the number of people requesting to speak on that subject

MAYOR, COUNCIL, INDEPENDENT BUDGET ANALYST, CITY ATTORNEY, CITY CLERK COMMENT

UPDATES ON PENDING LEGISLATION (MAYOR'S OFFICE)

REQUESTS FOR CONTINUANCE

The Council will consider requests for continuance in the morning or afternoon, based on when the item was noticed to be heard.

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

* ITEM-50: Exemption of Certain Utilities Undergrounding Program Projects from Street Preservation Ordinance (SPO) Moratorium on Street Excavations. (Citywide.)

ITEM DESCRIPTION:

This action will grant temporary authority to the City Engineer to issue construction moratorium waivers for undergrounding projects that have been planned, approved, and designed prior to the adoption of the Street Preservation Ordinance (SPO) which became effective on February 1, 2013. The SPO extended the resurfacing and slurry sealing construction moratorium and resulted in conflicts with utility projects that have been planned and coordinated based on the shorter moratorium periods.

STAFF'S RECOMMENDATION:

Introduce the following ordinance:

(O-2015-26)

Introduction of an Ordinance declaring that the Utilities Undergrounding Program projects described in Exhibit A, are exempt from San Diego Municipal Code Section 62.1206.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

None with this action.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

This item was heard at the Infrastructure Committee meeting on July 23, 2014, and forwarded to the full City Council.

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.

McFadden/Heinrichs

Primary Contact\Phone: Hasan Yousef\619-533-3012, MS 608
City Attorney Contact: Kohut, Ryan P.

ADOPTION AGENDA, CONSENT ITEMS

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

- * ITEM-51: Adopt Ordinance Setting Aside a Portion of Certain Dedicated City Parkland for the Old Otay Mesa Road Improvements, Project No. 287806. (Otay Mesa Community Plan Area. District 8.) (Rev. 9/24/14)

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. San Diego Charter Section 55 authorizes the opening and maintenance of a city street on dedicated parkland if the public interest demands it. (Rev. 9/24/14)

STAFF'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 9/16/2014, Item 334, Subitem D. (Council voted 8-0. Councilmember Emerald not present):

(O-2015-22)

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 item is not subject to the Mayor's veto.

- * ITEM-52: 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).

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 9/16/2014, Item 57. (Council voted 8-0. Councilmember Emerald not present):

(O-2014-121)

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.

* ITEM-53: 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.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 9/16/2014, Item 56. (Council voted 8-0. Councilmember Emerald not present):

(O-2015-24)

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.

- * ITEM-54: 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.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 9/16/2014, Item 55. (Council voted 8-0. Councilmember Emerald not present):

(O-2014-129)

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.

- * ITEM-55: 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.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 9/16/2014, Item 54. (Council voted 8-0. Councilmember Emerald not present):

(O-2015-16)

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.

* ITEM-56: 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.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 9/16/2014, Item 53. (Council voted 8-0. Councilmember Emerald not present):

(O-2014-124)

Authorizing and empowering the Mayor to execute, 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.

- * ITEM-57: 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.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 9/16/2014, Item 52. (Council voted 8-0. Councilmember Emerald not present):

(O-2015-21)

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.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- * ITEM-100: Agreement with Rady Children's Hospital for forensic physical, sexual abuse examinations and forensic interviews of minors and developmentally delayed adults.

ITEM DESCRIPTION:

The San Diego Police Department is seeking authorization to enter into a five-year contract with Rady Children's Hospital for the provision of forensic physical and sexual abuse examinations, forensic interviews of minors and developmentally delayed adults.

In addition, we request authorization to spend up to \$1,250,000 over the life of the contract.
Contract Number: 10046298-NP.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2014-777)

Authorizing the Mayor, or his designee, to enter into an Agreement with Rady Children's Hospital;

Declaring that the contract shall not exceed five years;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$250,000 in Fiscal Year 2015, from the General Fund (Fund No. 100000) for the first year of the Rady Children's Hospital Agreement;

Declaring that continuation of services under the contract is contingent upon reauthorization of the San Diego Police Department's sole source request;

Authorizing the Chief Financial Officer to appropriate and expend an amount not to exceed \$250,000 from the General Fund (Fund No. 100000) for each of the remaining four years, contingent upon adoption of the Fiscal Year Annual Budget Appropriation Ordinance for each respective fiscal year, and the Chief Financial Officer certifying that the funds necessary for expenditure are or will be available.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

Funding for this Agreement in the amount of \$250K is included in the Police Department's FY 2015 Proposed Budget.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

This item was heard at the Public Safety and Livable Neighborhoods Committee meeting on June 18, 2014, and was forwarded to City Council with a recommendation to approve.

ACTION: Motion by Councilmember Cole and Second by Councilmember Kersey to approve.

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

Ramirez/Chadwick

Primary Contact\Phone: Mike Holden\619-531-2686, MS 744

Secondary Contact\Phone: Chuck Kaye\619-531-2339, MS 756

City Attorney Contact: Peter, Linda L.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

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

ITEM-330: San Diego Affordable Housing Fund Fiscal Year 2014 Annual Report. (Citywide)

ITEM DESCRIPTION:

The San Diego Affordable Housing Fund Fiscal Year (FY) 2014 Annual Report (Attachment 1) covers the period of July 1, 2013, through June 30, 2014, which reflects the fiscal year of the City of San Diego and the San Diego Housing Commission.

SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:

Informational item only.

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

N/A. Informational item only.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: N/A

Davis/Chadwick

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

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-331: 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.

(Continued from the meeting of 9/16/14, Item 332, at the request of the City Attorney's Office, for further review.)

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-332: Tierrasanta (Via Dominique) Pump Station - Eminent Domain. (Tierrasanta Community Area. District 7.)

ITEM DESCRIPTION:

Authorize the adoption of a Resolution of Necessity for the acquisition of a portion of property located on Assessor Parcel Number 373-342-02 and acquire a Temporary Construction Area (TCA) over Assessor Parcel Number 373-342-02 found necessary for the City's Tierrasanta (Via Dominique) Pump Station Project (Project).

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2015-146)

Declaring that the public interest and necessity require acquisition of the property interests as set forth on Attachments 1 and 2, consisting of a fee interest of approximately 24,204.47 square feet over a portion of APN 373-342-02 and a temporary easement over approximately 4,565.43 square feet for a temporary construction area to complete the Tierrasanta (Via Dominique) Pump Station Project (Project);

Declaring that the Project is planned or located in a manner most compatible with the public good and least private injury;

Declaring that the property interests proposed to be acquired are necessary for the Project and that such use is a public use authorized by law (inter alia, Charter Section 220, California Code of Civil Procedure Sections 1240.010, 1240.020, 1240.030, 1240.040, 1240.110, 1240.120, 1240.140, 1240.510, 1240.610, and 1255.410; California Government Code Section 5023.1);

Declaring that the Project will enable the City to provide adequate and reliable water to the Tierrasanta Community;

Declaring that an offer to acquire the real property interests, pursuant to California Government Code Section 7267.2, at the appraised fair market value, has been made to each party claiming an interest(s) in the property interests sought;

Authorizing and directing the City Attorney of the City of San Diego to commence an action in the Superior Court of the State of California, in and for the County of San Diego, in the name of and on behalf of the City of San Diego, against all claimants with any interest(s) in the real property interests sought, and to seek immediate possession of the real property interests sought, pursuant to California Code of Civil Procedure Section 1255.410;

Authorizing the Chief Financial Officer to expend funds in the amount of \$24,500 from CIP S-12040, Tierrasanta (Via Dominique) Pump Station, Fund 700010, Water, to acquire the property interests found necessary for the Project, and for deposit into the State Treasury's State Condemnation Fund. This is the probable amount of compensation to be paid by the City for the necessary real property interests to be acquired.

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

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

Funds in the amount of \$24,500 necessary for the acquisition of a portion of APN 373-342-02 will be available from CIP S-12040, Tierrasanta (Via Dominique) Pump Station, Fund 700010, Water, for property acquisition and related expenses and temporary construction area permit.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

May 29, 2012, Resolution No. R-307437, Award of Contract to Brown and Caldwell for design and support services for the replacement of the Tierrasanta (Via Dominique) Pump Station.

Geitz/Villa

Primary Contact\Phone: Christina Marin\619-533-6509, MS 51A

Secondary Contact\Phone: Lane MacKenzie\619-236-6050, MS 51A

City Attorney Contact: Goodman, Jenny K.

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

ITEM-333: Pacific Highlands Ranch Library Site Acquisition. (Pacific Highlands Ranch and Carmel Valley Community Areas. District 1.)

ITEM DESCRIPTION:

On September 8, 1998, the City of San Diego and Pardee Homes entered into a Purchase Agreement for reimbursement for a Library site to be located in Pacific Highlands Ranch north of Carmel Valley Road. On November 7, 2012, Pardee Homes transferred and assigned all rights in the Agreement to PHR Village, LLC. The City has provided written notice to the seller which extends the close of escrow until November 14, 2014. This action requests the authorization of the expenditure of an amount not to exceed \$3,656,000 for acquisition of the site and the acceptance of the site, pursuant to the terms of the previously approved Agreement.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2015-149)

Authorizing the Mayor, or his designee, to accept the Pacific Highlands Ranch Community (Property), pursuant to the grant deed as set forth in the Purchase Agreement;

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

Authorizing the Chief Financial Officer to expend an amount not to exceed \$3,656,000 from CIP S-14023, Pacific Highlands Ranch Library/Civic Use Site, from Fund 400094, Torrey Highlands Facilities Benefit Assessment (FBA), for reimbursement to PHR Village, LLC for the acquisition of the Property and related expenses, 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.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

With approval of this action, an amount not to exceed \$3,656,000, will be reimbursed to PHR Village, LLC, from the Torrey Highlands FBA Fund (400094). These costs are incorporated into the budget for the project, and are included in the FY 2013 Torrey Highlands Facilities Financing Plan. The FBA funds have been collected and are available for reimbursement for this project.

Previously authorized amount \$10,000. Amount of current request: \$3,656,000. Total future requests: \$15,658,000.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

- The Pacific Highlands Ranch - Subarea III North City Future Urbanizing Area (NCFUA) Purchase Agreement was approved September 8, 1998 (OO-18579).
- The Torrey Highlands Public Facilities Financing Plan was updated November 27, 2012, R-307857, and includes the funding for this project.

Geitz/Villa

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

City Attorney Contact: Mendoza, Hilda R.

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

ITEM-334: Preliminary Items Pursuant to Issuing Multifamily Housing Revenue Bonds for Pacific Highlands Ranch Unit 24. (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 and the development of Pacific Highlands Ranch Unit 24, a 96-unit multifamily development located in Pacific Highlands Ranch.

SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:

Adopt the following resolution:

(R-2015-145)

Declaring that 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 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 23-28 (Project No. 5382), 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.

Further, 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 Authority-approved Fiscal Year (FY) 2015 Housing Commission Budget. Approving this action will not change the FY 2015 total budget.

Funding sources approved by this action will be as follows:

Bond Issuance Fees - \$47,500.

Funding uses approved by this action will be as follows:

Rental Housing Finance Program Administration Costs - \$47,500.

Please refer to staff report for further information.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: N/A

Davis/Chadwick

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

City Attorney Contact: Bartolotta, Bret A.

NOTE: See the Housing Authority Agenda of September 30, 2014, for a companion item.

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

ITEM-335: Memorandum of Understanding between the City of San Diego and the San Diego Housing Commission regarding the Administration of the City of San Diego's Federal HOME Investment Partnerships Program. (Citywide.)

ITEM DESCRIPTION:

That the San Diego City Council approve the execution of the Memorandum of Understanding (MOU) between the City of San Diego and the San Diego Housing Commission regarding the administration of the City of San Diego's Federal HOME Investment Partnerships Program in the City of San Diego; and that the Housing Authority of the City of San Diego approve the execution of the MOU and associated Subrecipient Agreement, in a form approved by General Counsel of the San Diego Housing Commission.

SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:

Adopt the following resolution:

(R-2015-148)

Approving the Memorandum of Understanding (MOU) between the City and the Housing Commission, on file with the City Clerk;

Authorizing the Mayor, or designee, to execute the MOU, and any and all amendment(s) thereto, on behalf of the City, in a form approved by the City Attorney, and to take all actions necessary to implement these approvals.

SUPPORTING INFORMATION:**FISCAL CONSIDERATIONS:**

This action will have a fiscal impact on the Housing Authority approved FY 2015 Housing Commission Approved Budget by reducing the Housing Commission's share of HOME Entitlement funding for administration activities by 40 percent, or approximately \$175,000. Housing Commission local funds will be used to replace the reduced HOME Entitlement administration funding under the President and CEO's authority to approve line-item transfers. Please refer to staff report for further information.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

- On December 19, 1991, the City Council passed Resolution No. R-279138 assigning administration of the City's affordable housing programs funded under the Federal HOME Program to the Housing Commission.
- On July 26, 1994, the City Council passed Resolution No. R-284352 confirming the City's delegation of administration, planning, coordination, operation, and implementation related to the Federal HOME Program in the City of San Diego to the Housing Commission.
- On December 4, 1995, the City Council passed Resolution No. R-286709 approving the delegation of responsibilities under the Federal HOME Program in the City of San Diego to the Housing Commission.
- On June 26, 2012, the City and the Housing Commission entered into an MOU, setting forth the roles and responsibilities of the City and the Housing Commission for the management, administration and monitoring of the City's HOME Program for the term July 1, 2011, through September 30, 2014.
- On April 30, 2014, the City Council passed Resolution R-308904 removing authorization for the Housing Commission to draw down HOME funds, as previously authorized by City Council resolutions, to comply with new HOME regulations. The resolution confirmed authorization for the Housing Commission to continue to plan, coordinate, operate, administer and implement programs for operation of the City's HOME Program. The resolution also authorized the Mayor, or designee, to negotiate and execute agreements, and all amendments thereto, with the Housing Commission which set forth the Housing Commission's responsibilities to plan, coordinate, operate, administer and implement programs for the operation of the Federal HOME Program in the City of San Diego.

Davis/Chadwick

Primary Contact\Phone: Ann Kern\619-578-7582
City Attorney Contact: Reid, Michael T.

NOTE: See the Housing Authority Agenda of September 30, 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-336: Appeal of AT&T Mobility Sycamore Estates. (Rancho Encantada Community Plan Area. District 5.)

ITEM DESCRIPTION:

Appeal of the Planning Commission's decision to approve an application to install a new Wireless Communication Facility (WCF) consisting of two 35-foot tall faux trees (a mono-eucalyptus and a mono-pine) supporting a total of twelve antennas and associated ground equipment enclosures.

TODAY'S ACTION IS:

Take the following actions:

Approve or Deny the Appeal and Affirm, Reverse, or Modify the Planning Commission's decision to approve Conditional Use Permit (CUP) No. 1290076, Site Development Permit (SDP) No. 1290075, Planned Development Permit (PDP) No. 1290074 and Neighborhood Development Permit (NDP) No. 1290077;

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

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

STAFF SUPPORTING INFORMATION:

STAFF RECOMMENDATION:

Deny the Appeal and approve the requested actions.

FISCAL CONSIDERATIONS:

None. All costs associated with the processing of this project are paid for through a deposit account maintained by the applicant.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: None.

Vacchi/Graham/st

Primary Contact\Phone: Simon Tse\619-687-5984, MS501

Secondary Contact\Phone: Karen Lynch\619-446-5351, MS501

City Attorney Contact: Thomas, Shannon

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT