

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, October 7, 2014

**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
TUESDAY, OCTOBER 7, 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:

09/01/2014 - Adjourned

09/02/2014 - Adjourned

PROCLAMATIONS/CEREMONIAL ITEMS

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

ITEM-30: Seven Beauties Ballet Day.

MAYOR FAULCONER'S AND COUNCILMEMBER SHERMAN'S RECOMMENDATION:

Proclaiming October 11, 2014, to be "Seven Beauties Ballet Day" in the City of San Diego.

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

ITEM-31: The National Management Association City of San Diego Chapter Awards Presentation.

PRESENTED BY COUNCIL PRESIDENT GLORIA:

The National Management Association (NMA), City of San Diego Chapter will be honoring ten nominees in various departments of the City for outstanding customer service.

The recipients have been nominated by their supervisor or fellow employees.

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

ITEM-32: University Club of San Diego Day.

PRESENTED BY COUNCIL PRESIDENT GLORIA:

Proclaiming October 7, 2014, to be "University Club of San Diego Day" in the City of San Diego

ITEM-33: Boys to Men Mentoring Day.

PRESENTED BY COUNCILMEMBER SHERMAN:

Proclaiming October 7, 2014, to be "Boys to Men Mentoring 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-34: Electric Vehicle Day San Diego: A National Drive Electric Week Event.

MAYOR FAULCONER'S AND COUNCIL PRESIDENT GLORIA'S RECOMMENDATION:

Proclaiming September 20, 2014, to be "Electric Vehicle Day - San Diego: A National Drive Electric Week Event" in the City of San Diego.

ITEM-35: Richard John Lareau Day.

MAYOR FAULCONER'S AND COUNCILMEMBER HARRIS' RECOMMENDATION:

Proclaiming October 17, 2014, to be "Richard J. Lareau Day" in the City of San Diego.

ITEM-36: Dan Stinemates Day.

COUNCIL PRESIDENT PRO TEM LIGHTNER'S RECOMMENDATION:

Proclaiming September 26, 2014, to be "Dan Stinemates Day" in the City of San Diego.

ITEM-37: Braille Institute's San Diego Regional Center Day.

COUNCIL PRESIDENT PRO TEM LIGHTNER RECOMMENDATION

Proclaiming October 4, 2014, to be "Braille Institute's San Diego Regional Center Day" in the City of San Diego.

ITEM-38: San Diego's Historical Places Day.

COUNCILMEMBER ALVAREZ'S RECOMMENDATION:

Proclaiming September 30, 2014, to be "San Diego's Historical Places Day" in the City of San Diego.

ITEM-39: Jacqueline Calderon-Guido Day.

COUNCILMEMBER ALVAREZ'S RECOMMENDATION:

Proclaiming September 16, 2014, to be "Jacqueline Calderon-Guido 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 TO BE INTRODUCED:

- * ITEM-50: Second Amendment to the Agreement with Nadel Architects for the Fire Station No. 22 Project. (Point Loma Community Area. District 2.)

ITEM DESCRIPTION:

This Action is to approve the Second Amendment to the Agreement with Nadel Architects, for the Fire Station No. 22 Project. This Amendment will provide design of a temporary station to be used until the construction of the permanent fire station in the Pt. Loma area is completed.

STAFF'S RECOMMENDATION:

Introduce the following ordinance:

(O-2015-33)

Introduction of an Ordinance authorizing the Mayor, or his designee, to execute, for and on behalf of the City, the Second Amendment to the Agreement with Nadel Architects, Inc., for the purpose of designing the temporary station and completing the Fire Station No. 22 Project (Project) under the terms and conditions set forth in the Second Amendment, together with any reasonably necessary modifications or amendments thereto, which do not increase Project scope or cost and which the Mayor shall deem necessary from time to time in order to carry out the purposes and intent of this Project and Agreement;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$150,000 from CIP S-00787, Fire Station No. 22 Project, Fund 400845, Deferred Maintenance 2012A-Project, for the purpose of executing the Second Amendment, contingent upon the Chief Financial Officer first demonstrating funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

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

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The Original Agreement was for \$249,900; the First Amendment increased the contract by \$160,100. This Second Amendment will increase the contract by \$150,000, and will bring the total contract to \$560,000. Funds for this purpose are available in S-00787, Fire Station No. 22, Fund 400848, Def Maint 2012A-Proj.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

- On October 13, 2010, the First Amendment to Agreement with Nadel Architects.
- This item was heard at the Infrastructure Committee meeting on September 17, 2014.

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

VOTE: 3-0; Kersey-yea, Cole-yea, Sherman-yea, Emerald-not present.

Nagelvoort/Heinrichs

Primary Contact\Phone: Mark Nassar\619-533-6600, MS 908A

Secondary Contact\Phone: Elif Cetin\619-533-4640

City Attorney Contact: Rae, Christina L.

* ITEM-51: Request to exempt 1.0 Program Manager position in the Economic Development Department from the Classified Service.

ITEM DESCRIPTION:

This action is to exempt 1.0 Program Manager position from the Classified Service in the Economic Development Department. Under the direction of the Economic Development Director, this position will be responsible for providing leadership and coordination across departments for the City's Climate Action Plan implementation and related sustainability initiatives including mobility, energy efficiency, and conservation efforts.

STAFF'S RECOMMENDATION:

Introduce the following ordinance:

(O-2015-31)

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 Program Manager position in the Department. The Program Manager will introduce, oversee, and implement the City's Climate Change Action Plan and related mobility, energy efficiency, and conservation initiatives. The Program Manager will also recommend policy and procedural changes; promote and foster the industry by supporting company retention, expansion, and trade development; and support entrepreneurs and startups;

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 Program Manager position in the Economic Development Department, 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:

Position was included in the Fiscal Year 2015 Budget.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: None.

Moreno/Graham

Primary Contact\Phone: Lydia Moreno\619-236-6320, MS 56D
Secondary Contact\Phone: David Graham\619-235-5880, MS 9A
City Attorney Contact: Dawson, Joan F.

- * ITEM-52: Exemption of a Program Manager position in the Public Utilities Department from the Classified Service, as approved by the Civil Service Commission on September 4, 2014.

ITEM DESCRIPTION:

This action is to exempt a Program Manager position from the Classified Service in the Public Utilities Department. Under the general direction of the Public Utilities Assistant Director, the Collection and Distribution Branch Program Manager will be responsible for providing coordination and management of the branch, develop policies and procedures, represent branch at high-level policy meeting, and coordinate the department's responses to complex issues to provide the best customer service in the most efficient manner possible.

STAFF'S RECOMMENDATION:

Introduce the following ordinance:

(O-2015-30)

Introduction of an Ordinance that the Council has received and reviewed a Memorandum from Personnel Director Hadi Dehghani, dated September 8, 2014, which documents that, on September 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 Program Manager position in the Department. The Program Manager will be responsible for recommending operational efficiency, effectiveness, and strategic initiatives and ensuring their successful implementation. The Program Manager will also be responsible for developing, evaluating, and implementing high-level training to ensure that the Collection and Distribution Branch meets regulatory and legal requirements, and for representing the Department at various Council and Committee meetings, including the Metro Commission/Joint Powers Authority and the Independent Rates Oversight Committee as needed;

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 Program Manager position in the Public Utilities Department, performing the duties set forth in the September 8, 2014, Memorandum from Personnel Director Hadi Dehghani, to the Honorable Council President and City Council.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS: None

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: None.

Crane/Heinrichs

Primary Contact\Phone: Susan LaNier\858-292-6466, MS 901A

Secondary Contact\Phone: Izumi Rhodes\858-614-4026, MS 901A

City Attorney Contact: Dawson, Joan F.

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCES TO BE INTRODUCED WITH RESOLUTIONS TO BE ADOPTED:

- * ITEM-60: Landowner Agreements for United States Fish and Wildlife Service-funded habitat restoration and revegetation projects on various canyons and open space lands throughout the City. (Encanto Neighborhoods, City Heights, and Carmel Valley Community Areas. Districts 1, 4, and 9.)

ITEM DESCRIPTION:

This action is to approve three Landowner Agreements between the City, United States Fish and Wildlife Service, and non-profit organizations. The United States Fish and Wildlife Service has awarded funds to non-profit organizations for habitat restoration and revegetation projects on City of San Diego's canyons and other open space areas within the Multi-Habitat Planning Area (MHPA) of the City's Multiple Species Conservation Program (MSCP) Subarea Plan.

STAFF'S RECOMMENDATION:

Introduce the ordinances in Subitems A, C, and E; and adopt the resolutions in Subitems B, D, and F:

Subitem-A: (O-2015-32)

Introduction of an Ordinance, authorizing and directing the Mayor, or his designee, to execute, for and on behalf of the City, the Partners for Fish and Wildlife Program Landowner Agreement with the United States Fish and Wildlife Service and Groundwork San Diego-Chollas Creek, for the habitat restoration and revegetation project located at the Chollas Radio Canyon.

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

Subitem-B: (R-2015-160)

Declaring that the Council of the City of San Diego, using its independent judgment, has considered the written record and public comment for the requested authorization, and determining that the Project is categorically exempt from the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15304 and that an exception to the exemption as set forth in CEQA Guidelines Section 15300.2 does not apply.

Subitem-C: (O-2015-35)

Introduction of an Ordinance, authorizing and directing the Mayor, or his designee, to execute, for and on behalf of the City, the Partners for Fish and Wildlife Program Landowner Agreement with the United States Fish and Wildlife Service and Chaparral Lands Conservancy, for the habitat restoration and revegetation project located at the Carmel Mountain Preserve and Proctor Valley.

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

Subitem-D: (R-2015-161)

Declaring that the Council of the City of San Diego, using its independent judgment, has considered the written record and public comment for the requested authorization, and determining that the Project is categorically exempt from the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15304 and that an exception to the exemption as set forth in CEQA Guidelines Section 15300.2 does not apply.

Subitem-E: (O-2015-34)

Introduction of an Ordinance, authorizing and directing the Mayor, or his designee, to execute, for and on behalf of the City, the Partners for Fish and Wildlife Program Landowner Agreement with the United States Fish and Wildlife Service and San Diego Canyonlands, for the habitat restoration and revegetation project located at the Manzanita Canyon, Swan Canyon, 47th Street Canyon, and Hollywood Canyon.

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

Subitem-F: (R-2015-162)

Declaring that the Council of the City of San Diego, using its independent judgment, has considered the written record and public comment for the requested authorization, and determining that the Project is categorically exempt from the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15304 and that an exception to the exemption as set forth in CEQA Guidelines Section 15300.2 does not apply.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

Projects are funded partially by the United States Fish and Wildlife Service in grants awarded to non-profit organizations. Total amount awarded is included on each Landowner Agreement. Some unspecified intermittent City of San Diego Park and Recreation Open Space Division staff time is anticipated (Fund 100000, Cost Center 1714151116; GL 500127); Cooperator and Service acknowledge and agree that the Landowner is not obligated to provide any financial, in kind or material support not duly budgeted, appropriated and authorized by the City Council.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

This item was heard at the Environment Committee meeting on September 17, 2014, and forwarded to the full City Council with a recommendation to approve.

ACTION: Motion by Councilmember Harris, second by Chair Alvarez, to approve.

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

Parker/Graham

Primary Contact\Phone: Kim Roeland\619-685-1308, MS 5D
City Attorney Contact: Mendoza, Hilda R.

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

- * ITEM-100: Award the Service Contract for the Arc Flash Hazard Analysis/Short-Circuit Coordination Study. (Citywide.)

ITEM DESCRIPTION:

Council authorization to award a service contract to Black & Veatch in an amount not to exceed \$749,750 for the Arc Flash Hazard Analysis/Short-Circuit Coordination Study. The study provides a detailed assessment of the potential energy at each point in the electrical system that would be released in the event of an arcing fault within the equipment. The contract duration is thirteen months.

STAFF'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2015-163 Rev.)

Authorizing the Mayor, or his designee, to execute a contract for Arc Flash Hazard Analysis/Short-Circuit Coordination Study with Black & Veatch Corporation, which firm was chosen as the best qualified firm through a competitive selection process, in an amount not to exceed \$749,750, contingent upon the Chief Financial Officer demonstrating that funds are, or will be, on deposit with the City Treasurer;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$749,750, of which \$20,916 is from Water Operating Fund 700011, \$583,509 is from Metro Sewer Operating Fund 700001, and \$145,325 is from Muni Sewer Operating Fund 700000, solely and exclusively, to provide funds for the above contract, contingent on the Chief Financial Officer certifying that the funds are, or will be, on deposit with the City Treasurer.

Subitem-B: (R-2015-166)

Determining that the Project is categorically exempt from California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15301;

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

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

Total estimated cost for this service contract is \$749,750. Funding is included in FY15 for \$20,916 from Water Operating Fund 700011, \$583,509 from Metro Sewer Operating Fund 700001, and \$145,325 from Muni Sewer Operating Fund 700000.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

This item was heard at the Environment Committee meeting on September 17, 2014, and forwarded to the full City Council with a recommendation to approve.

ACTION: Motion by Councilmember Harris, second by Chair Alvarez, to approve.

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

Sasaki/Heinrichs

Primary Contact\Phone: Tung Phung\858-292-6425, MS 901

Secondary Contact\Phone: Guann Hwang\858-292-6476, MS 901

City Attorney Contact: Jung, Jeremy A.

- * ITEM-101: North Harbor Drive Pedestrian Access Improvements - Cooperative Agreement with the San Diego Unified Port District and Project Funding. (Midway and Pacific Highway Community Areas. District 3.)

ITEM DESCRIPTION:

This action is requesting to enter into a Cooperative Agreement between the City and the San Diego Unified Port District. The Cooperative Agreement is necessary to delineate City of San Diego ADA and San Diego Unified Port District improvements, funding responsibilities for the improvements and maintenance.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2015-157)

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City, a Cooperative Agreement with the San Diego Unified Port District, for the purpose of funding the North Harbor Drive Pedestrian Access Improvements, under the terms and conditions set forth in the Cooperative Agreement;

Authorizing the Chief Financial Officer to increase the Fiscal Year 2015 Capital Improvement Budget in Annual Allocation A-1K.00001, New Walkways by \$69,850;

Authorizing the Chief Financial Officer to appropriate and expend an amount not to exceed \$69,850 to be received from the San Diego Unified Port District for the purpose of constructing the North Harbor Drive Pedestrian Access Improvements from Fund 400264, Private and Other Donation Fund, contingent upon the receipt, of a fully executed Cooperative Agreement and 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;

Authorizing the Chief Financial Officer to transfer appropriations in Fiscal Year 2015 of \$249,268.14 from A-BE.00001, Americans with Disabilities Improvements, Fund 400002, to A-IK.00001 New Walkways for the North Harbor Drive Pedestrian Access Improvements.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

Funding for this action: \$80,000 is available in CIP A-KB.00003, Annual Allocation-Water Main Replacements (B-00020, Water Group Job 532 (Group 3008), Fund 700010, Water. The \$80,000 will remain in B-00020 and will be encumbered during the construction award, Financial Management will issue a Fund Block to reserve the funds until construction award; \$69,850 will be deposited into the City Treasury by the Port District, Fund 400264, upon approval of the Agreement; \$249,268.14 is available in CIP A-BE.00001 American Disability Annual Allocation, Fund 400002. The City Comptroller will issue a Comptroller's Certificate.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

This item was heard at the Infrastructure Committee meeting on September 17, 2014.

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

VOTE: 3-0; Kersey-yea, Cole-yea, Sherman-yea, Emerald-not present.

Primary Contact\Phone: Brad Johnson\619-533-5120, MS 908A

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

City Attorney Contact: Kohut, Ryan P.

- * ITEM-102: Agreement with Hawthorne Machinery Company for the Lease and Full Maintenance of Various Heavy Duty Tractor Bulldozers.

ITEM DESCRIPTION:

Environmental Services Department (ESD) requests the approval of an Agreement with Hawthorne Machinery Company for the lease of various heavy duty tractor bulldozers. This Agreement is necessary to maintain current operations at the Miramar Landfill while the RFP for the lease of various pieces of landfill equipment is being completed.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2015-154)

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City, an Agreement with Hawthorne Machinery Company for the lease and full maintenance of various heavy duty tractor bulldozers, effective retroactive to March 15, 2014, through June 30, 2015, under the terms and conditions set forth in the Agreement;

Authorizing the Chief Financial Officer to appropriate and expend an amount not to exceed \$1,300,000 from Refuse Disposal Fund 700039, solely and exclusively, to provide funds for the Agreement, contingent upon the Chief Financial Officer first furnishing one or more certificates demonstrating that the funds are, or will be, on deposit in the City Treasury.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The total contract value from March 15, 2014, through June 30, 2015, is not to exceed \$1.3 million. \$310,000 was expended in FY14. The remaining portion shall not exceed \$990,000, and is included in the FY15 Budget.

This action will authorize execution of an Agreement with Hawthorne Machinery Company and the expenditure of an amount not to exceed \$1,300,000 from Refuse Disposal Fund 700039.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

This item was heard at the Environment Committee meeting on September 17, 2014, and forwarded to the full City Council with the recommendation to award.

ACTION: Motion by Councilmember Harris, second by Chair Alvarez, to approve.

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

Monroe/Heinrichs

Primary Contact\Phone: Meghan Cannis\858-492-5009, MS 1103B
City Attorney Contact: Guy, Amanda L.

* ITEM-103: Funding for La Media Road Improvements CIP Project. (Otay Mesa Community Area. District 8.)

ITEM DESCRIPTION:

This action will allocate \$6.2 million from Otay Mesa-East and Otay Mesa-Eastern Development Impact Fees (DIF) funds for the purpose of widening La Media Road to a 6-lane facility north of Airway Road and a 5-lane facility from Airway Road to Siempre Viva Road.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2015-129)

Authorizing the Chief Financial Officer to add CIP S-15018, La Media Road Improvements, to the Capital Improvements Program;

Authorizing the Chief Financial Officer to increase the Capital Improvements Program Budget in CIP S-15018, La Media Road Improvements and to appropriate and expend \$6,256,690, of which \$5,193,690 is from Fund 400092, Otay Mesa-East, and \$1,063,000 is from Fund 400100, Otay Mesa-Eastern Development Impact Fees (DIF), for the purpose of design of La Media Road Improvements Project, 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.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

Funding for this project includes \$1,063,000 from Fund 400100, Otay Mesa-Eastern Development Impact Fees (DIF), and \$5,193,690 from Fund 400092, Otay Mesa-East. This action will increase the CIP budget by \$6,256,690.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

- The Otay Mesa Facility Financing Plan was adopted by the City Council and approved by the Mayor on April 29, 2014. The approval process consisted of community outreach and involvement with the Community and stakeholders.
- This item was heard at the Infrastructure Committee meeting on September 17, 2014.

ACTION: Motion by Councilmember Cole, second by Councilmember Sherman, to forward staff's recommendation to full City Council for approval.

VOTE: 3-0; Kersey-yea, Cole-yea, Sherman-yea, Emerald-not present.

McFadden/Heinrichs

Primary Contact\Phone: Gary Chui\619-533-3770, MS 608

Secondary Contact\Phone: Linda Marabian\619-533-3082, MS 608

City Attorney Contact: Gerrity, Ryan P.

- * ITEM-104: Capital Improvement Program (CIP) Appropriation Adjustments. (La Jolla, Pacific Beach, Uptown, Greater North Park, Downtown, Southeastern, Mid-City: Eastern, and Mid-City: City Heights Community Areas. District 1, 2, 3, 4, and 9.)

ITEM DESCRIPTION:

The Public Utilities Department is requesting authority to de-appropriate funds in existing water and wastewater projects; increase appropriations in water and wastewater projects; close one canceled Capital Improvement Program (CIP) Project; and to expend additional funds related to City Forces Work that exceeded the approved threshold for six CIP Projects.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2015-102 Cor. Copy) (Rev. 10/3/14)

Authorizing the Chief Financial Officer to de-appropriate the Capital Improvement Program (CIP) Budget by \$30,765,238 from various Water and Wastewater CIP Projects, as reflected in the Public Utilities Department CIP Appropriation Adjustment Summary, contingent upon the CFO 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 close CIP L-10001, Muni Facilities Control System Upgrade;

Authorizing the Chief Financial Officer to add CIP A-KB.00007, Instrumentation and Control, to the Capital Improvement Program;

Authorizing the Chief Financial Officer to add CIP S-15019, Alvarado Trunk Sewer Phase IV, to the Capital Improvement Program;

Authorizing the Chief Financial Officer to add CIP S-15020, Tecolote Canyon Trunk Sewer, to the Capital Improvement Program;

Authorizing the Chief Financial Officer to increase the Capital Improvement Budget by \$5,801,034, and to appropriate and expend funds in various Water and Wastewater CIP projects as reflected on the CIP Appropriation Adjustment Summary, contingent upon the CFO 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 \$1,300,000 from the fund balance in the Energy Conservation Fund (200224), and to transfer \$1,300,000 from the Energy Conservation Program Fund (200224) to the Energy Conservation Program Fund - CIP (200225), within the Environmental Services Department (2115);

Authorizing the Chief Financial Officer to increase the Capital Improvement Program Budget in CIP S-14021, Bayview Reservoir Solar Project, and to appropriate and expend \$325,000 from Fund 200255, Energy Conservation Program Fund - CIP, for the purpose of installing a solar photovoltaic system on the roof of the Bayview Reservoir upon the CFO 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 Capital Improvement Program Budget in CIP S-14022, MOC Complex Solar Project, and to appropriate and expend \$975,000 from Fund 200225, Energy Conservation Program Fund - CIP, for the purpose of installing a solar photovoltaic system throughout the MOC Complex upon the CFO furnishing a certificate certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the Mayor, or his designee, to expend an additional amount of \$93,372, for a total amount not to exceed \$300,000 from CIP B-10189, Water and Sewer Group 929, Fund 700010, Water Utility-CIP, for City Forces Work related expenses;

Authorizing the Mayor, or his designee, to expend funds not to exceed \$276,000 from CIP B-13011, Sewer and Water Group Job - Crown Point La Playa, Fund 700010, Water Utility-CIP, for City Forces related expenses;

Authorizing the Mayor, or his designee, to expend funds not to exceed \$225,000 from CIP B-14079, AC La Jolla Country Club Water Main Replacement, Fund 700010 Water Utility-CIP, for City Forces related expenses;

Authorizing the Mayor, or his designee, to expend funds not to exceed \$156,240 from CIP S-11021, University Avenue Pipeline Replacement, Fund 700010, Water Utility-CIP, for City Forces Work related expenses;

Authorizing the Mayor, or his designee, to expend funds not to exceed \$140,000 from CIP S-11027, Otay 1st and 2nd Pipeline Abandonment - East of Highland, Fund 700010, Water Utility-CIP, for City Forces Work related expenses;

Authorizing the Mayor, or his designee, to expend funds not to exceed \$850,000 from CIP B-00125, Water Group 914 CI, Fund 400010, Water Utility-CIP, for City Forces Work related expenses.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

This action will reduce the Capital Improvement Program (CIP) Budget by de-appropriating \$30.8 million, while increasing the CIP Budget by \$5.8 million in various Water and Wastewater CIP Projects. In addition, this action requests authority to expend an additional \$1.7 million for City Forces Work on six CIP Projects.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

- The City Council authorized on December 6, 2011, an amount not to exceed \$206,628, per Resolution R-307158, for City Forces Work on Water and Sewer Group 929.
- This item was heard at the Infrastructure Committee meeting on September 17, 2014.

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

VOTE: 3-0; Kersey-yea, Cole-yea, Sherman-yea, Emerald-not present.

Wright-Travis/Heinrichs

Primary Contact\Phone: Lee Ann Jones-Santos\858-614-4042, MS 901A

Secondary Contact\Phone: Mark Gonzalez\858-614-4005, MS 901A

City Attorney Contact: Palmucci, Raymond C.

* ITEM-105: Development Impact Fees Fiscal Year 2013 Annual Report. (Citywide.)

ITEM DESCRIPTION:

Adopt a resolution accepting the Development Impact Fees FY 2013 Annual Report (FY 2013 Annual Report) and make findings related to unexpended balances as required in California Government Code Section 66001.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2015-143)

Reviewing and accepting the Development Impact Fees Fiscal Year 2013 Annual Reports, with attachments;

Declaring that the Council finds, with respect to funds reflected in the Development Impact Fees FY 2013 Annual Report, or attachments thereto, as having been collected over five years before July 1, 2013, and as stated on Pages 3-4 and Attachment 3, of the Development Impact Fees FY 2013 Annual Report, that the documentation: (1) Identifies the purpose to which the fee is to be put; (2) Demonstrates a reasonable relationship between the fee and the purpose to which the fee is to be put; (3) Identifies sources and amounts of funding anticipated to complete financing of incomplete improvements; and (4) Identifies the approximate dates on which such funding is expected to be deposited into the appropriate fund;

Incorporating and adopting the findings set forth on Pages 3-4 and Attachment 3, of the Development Impact Fees FY 2013 Annual Report, entitled "Development Impact Fees FY 2013 Annual Report Summary of Government Code Section 66001(d)" and "Development Impact Fees FY 2013 Annual Report Findings for Funds Collected Over Five Years Ago," respectively.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS: N/A

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

- The City Council approved the Developer Impact Fees FY 2012 Report on June 11, 2013, Resolution R-308264.
- This item was heard at the Infrastructure Committee meeting on September 17, 2014.

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

VOTE: 3-0; Kersey-yea, Cole-yea, Sherman-yea, Emerald-not present.

Fulton/Graham

Primary Contact\Phone: Scott Mercer\619-533-3676, NS 606F
City Attorney Contact: Lintvedt, Inga B.

* ITEM-106: Settlement of personal injury claim of *Heath v City of San Diego*. Risk File No. 6694.

ITEM DESCRIPTION:

Payment of \$950,000 from the Water Utility Operating Fund No. 700011 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, employee John Romero, their agents and employees arising from the lawsuit filed in the San Diego Superior Court titled: *James Heath v. John Romero, City of San Diego and Does 1 to 100*, Case No. SDSC 37-2012-00086680-CU-PA-CTL.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2015-135)

Declaring that the sum of \$950,000 to be paid 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 attorney fees, against the City, its agents and employees, arising from the Litigation;

Declaring that the City Comptroller issue checks totaling \$950,000, payable to various parties in various sums as detailed in the Settlement Agreement.

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The settlement amount of \$950,000 will be paid from Water Utility Operating Fund 700011.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

The matter was considered in Closed Session on June 17, 2014.

Bamberg

Primary\City Attorney Contact\Phone: Joe Cordileone\619-533-5854

* ITEM-107: A Resolution of the Council of the City of San Diego expressing support for the religious minorities in Iraq. (Citywide.)

ITEM DESCRIPTION:

Direct the City Clerk to send a copy of the approved resolution to the President and the Honorable members of the 113th Congress who represent the San Diego region, urging support for those religious minorities in need of protection and House Resolution 663.

COUNCIL PRESIDENT GLORIA'S RECOMMENDATION:

Adopt the following resolution:

(R-2015-152)

Supporting House Resolution 663, and urging its support to protect religious minorities from ISIL;

Directing the City Clerk to send a copy of this resolution to the President and the Honorable members of the 113th Congress, who represent the San Diego region.

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS: N/A

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: None.

Jurado-Sainz

Primary Contact\Phone: Molly Chase\619-236-6633

Secondary Contact\Phone: Jamie Fox\619-236-6633

City Attorney Contact: Spivak, Sharon B.

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

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2014-728)

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

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

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

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2015-40)

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 which is scheduled to begin at 10:00 a.m.

ITEM-330: City Auditor's Performance Audit of Employee Add-on Pays.

CITY AUDITOR'S RECOMMENDATION:

Informational item only; receive the City Auditor's Performance Audit of Employee Add-on Pays.

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS: N/A.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

The report was presented at the Audit Committee on April 7, 2014. No changes have been made to the report since it was presented to the Committee.

ACTION: Motion by Hebrank, second by Schreiner, to accept the report and forward to Council.

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

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 which is scheduled to begin at 10:00 a.m.

ITEM-331: City Auditor's Performance Audit of the Office of Homeland Security. (Citywide.)

CITY AUDITOR'S RECOMMENDATION:

Informational item only; receive the City Auditor's Performance Audit of the Office of Homeland Security

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS: N/A

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

The report was first presented to the Audit Committee on July 14, 2014.

ACTION: Motion by Councilmember Harris, second by Committee Member Schreiner, to accept and approve the report.

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

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

Luna

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

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: Fiscal Year 2015 Single Adult Emergency Winter Shelter, Designation of a Homeless Shelter Crisis in the City of San Diego and Designation of Site for Operation of the Single Adult Emergency Winter Shelter. (Citywide.)

ITEM DESCRIPTION:

That the Housing Authority of the City of San Diego approve the execution of Agreements for operation and services at the Fiscal Year 2015 City of San Diego Single Adult Emergency Winter Shelter and that the San Diego City Council declare a “shelter crisis” [as defined in Government Code Section 8698(d). "Declaration of a shelter crisis" means the duly proclaimed existence of a situation in which a significant number of persons are without the ability to obtain shelter, resulting in a threat to their health and safety.] in the City of San Diego.

SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:

Adopt the following resolution:

(R-2015-156)

Finding and declaring the existence of a shelter crisis in the City of San Diego, pursuant to and in accordance with the provisions of California Government Code Section 8698.2(a)(1), because a significant number of persons in the City are without the ability to obtain shelter, resulting in threat to their health and safety;

Declaring the existence of a shelter crisis shall continue until terminated by the City Council; specifically, that it shall be applicable to activities that include but are not limited to the establishment and continued operation throughout Fiscal Year 2015 of the Emergency Shelters;

Declaring that, pursuant to California Government Code Section 8698.1(b), the provisions of state or local regulatory statutes, regulations, and ordinances are deemed suspended and inapplicable to the extent that strict compliance with such regulations and ordinances would in any way prevent, hinder, or delay the mitigation of the effects of the shelter crisis, including mitigation effected by the establishment and operation of the Emergency Shelters;

Declaring that, in addition to any other state or local regulatory statute, regulation, or ordinance deemed suspended and inapplicable pursuant to California Government Code Section 8698.1(b), specifically, the provisions of California Environmental Quality Act (CEQA) are deemed suspended and inapplicable with respect to the Emergency Shelters;

Determining that the Emergency Shelters are nevertheless categorically exempt from the provisions of CEQA in accordance with CEQA Guidelines Sections 15304(e), 15311, and 15323, and that no exception is applicable;

Declaring that, in addition to any other state or local regulatory statute, regulation, or ordinance deemed suspended and inapplicable, pursuant to California Government Code Section 8698.1(b), specifically, the provisions of California Coastal Act are deemed suspended with respect to the Emergency Shelters. Furthermore, the Emergency Shelters are nevertheless exempt from provisions of the California Coastal Act inasmuch as the shelter crisis herein declared by the Council of the City of San Diego constitutes an emergency, immediate action is required to protect the homeless from imminent danger, and the facilities are necessary and reasonable to prohibit and abate a nuisance. The Emergency Shelters will be designed so as not cause or result in any adverse impacts or effects on any coastal resources or environmentally sensitive habitat areas, and to in fact cause or result in a reduction or elimination of current adverse impacts and effects on coastal resources associated with camping and lodging activities;

Authorizing the Mayor, or designee, to execute such documents and to perform such acts as are necessary and appropriate to implement these approvals.

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The proposed funding approved by this action was partially approved by the Housing Authority in the FY 2015 Housing Commission budget. Approving this action will authorize the Housing Commission to expend \$225,703 in addition to the Housing Authority-approved FY 2015 Budget.

Please refer to staff report for further information.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

- On June 24, 2014, the Housing Authority approved the five-month Agreement for operation of the Veterans Emergency Winter Shelter by Veterans Village of San Diego at 2801½ Sports Arena Boulevard, San Diego, CA 92110.
- On June 9, 2014, the City Council adopted, as amended, Mayor Kevin Faulconer's FY 2015 Budget for the City, which included funds to operate the City's Homeless Shelters and Services Programs.
- On June 17, 2014, the City Council and Housing Authority approved the renewal of the Memorandum of Understanding between the Housing Commission and City for administration of the City's Homeless Shelters and Services Programs. This item was approved at the September 12, 2014, Housing Commission meeting.

Davis/Chadwick

Primary Contact\Phone: Melissa Peterman\619-578-7529
City Attorney Contact: Halsey, Keely M.

NOTE: See the Housing Authority Agenda of October 7, 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-333: Akins Residences, Project No. 352250. (Uptown Community Plan Area. District 3.)

ITEM DESCRIPTION:

Approval of actions necessary for the construction of two single family dwelling units on a vacant site located at 3116 1/3 Falcon Street in the Uptown Community Planning area.

STAFF'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2015-131 Cor. Copy)

Adoption of a Resolution certifying that the Mitigated Negative Declaration No. 352250 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 Report reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said Report, 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 Report 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, pursuant to California Public Resources Code Section 21081.6, or alterations to implement the changes to the project as required by this body, in order to mitigate or avoid significant effects on the environment, a copy of which is attached hereto, as Exhibit "A," and incorporated herein by reference;

Declaring that the Report 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, California 92101.

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

Subitem-B: (R-2015-132)

Adoption of a Resolution vacating a portion of Goldfinch Street public Right-Of-Way, Vacation No. 1255893, for the Akin Residences, Project No. 352250;

Vacating a portion of the easement for public street granted on the Hortons Addition Map (Deed Book 13, Page 522) filed in the Office of the County Recorder of San Diego County, July 21, 1871, in connection with Site Development Permit No. 1258689 and Tentative Parcel Map No. 1255887, as more particularly described in the legal description marked as Exhibit "A," and shown on Drawing No. 37912-B, marked as Exhibit "B," which said drawing is attached hereto and made a part hereof;

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-C: (R-2015-133)

Adoption of a Resolution granting Tentative Parcel Map No. 1255887, based on the Findings hereinbefore adopted by the City Council, to G2F TALBCO, LLC, a California Limited Liability Company, subject to the attached conditions which are made a part of this Resolution by this reference.

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

Subitem-D: (R-2015-134)

Adoption of a Resolution granting Site Development Permit [SDP] No. 1258689 to G2F TALBCO, LLC, a California Limited Liability Company, Owner/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.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

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

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: N/A

Vacchi\Graham\jp

Primary Contact\Phone: Jeffrey A. Peterson\619-446-5237, MS 501

Secondary Contact\Phone: Laura Black\619-236-6327, MS 501

City Attorney Contact: Lintvedt, Inga

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT