

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 21, 2014
2:00 PM**

**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
TUESDAY, OCTOBER 21, 2014, AT 2:00 PM
CITY ADMINISTRATION BUILDING
COUNCIL CHAMBERS – 12TH FLOOR
202 “C” STREET
SAN DIEGO, CA 92101**

This information will be made available in alternative formats upon request, as required by the Americans with Disabilities Act (ADA), by contacting the City Clerk at (619) 533-4000 or <mailto:cityclerk@sandiego.gov>. Requests for disability-related modifications or accommodations required to facilitate meeting participation, including requests for auxiliary aids, services or interpreters, require different lead times, ranging from five business days to two weeks. Please keep this in mind and provide as much advance notice as possible in order to ensure availability. Assistive Listening Devices (ALDs) are available in Council Chambers upon request.

Pursuant to California Senate Bill 343 (Section 54957.5(b) of the Brown Act), late-arriving documents related to City Council meeting agenda items which are distributed to the legislative body prior to and during the Council meeting are available for public review in the Office of the City Clerk on the second floor of the City Administration Building, 202 C Street, San Diego, CA 92101. This relates to those documents received after the agenda is publicly noticed and during the 72 hours prior to the start of the meeting. Please note: Approximately one hour prior to the start of the Council Meeting, the documents will be available just outside Council Chambers in the lobby of the 12th floor of the City Administration Building in a binder labeled “SB 343.” Late-arriving materials received during the City Council meeting are available for review by making a verbal request of City Clerk staff located in Council Chambers.

NOTE: The public portion of the meeting will begin at 2:00 p.m. The City Council will meet in Closed Session this afternoon from 1:00 p.m. – 2:00 p.m. Copies of the Closed Session agenda are available in the Office of the City Clerk.

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:

09-08-2014 - Adjourned
09-09-2014 - Adjourned
09-15-2014
09-16-2014
09-17-2014 - Special

PROCLAMATIONS/CEREMONIAL ITEMS

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

ITEM-30: Archives Month.

PRESENTED BY COUNCIL PRESIDENT GLORIA AND COUNCILMEMBER KERSEY:

Proclaiming October 2014, to be "Archives Month" in the City of San Diego.

ITEM-31: Nan McGraw Day.

PRESENTED BY COUNCIL PRESIDENT GLORIA:

Proclaiming October 21, 2014, to be "Nan McGraw Day" in the City of San Diego.

ITEM-32: Officer Scott Lockwood Day.

PRESENTED BY COUNCILMEMBER SHERMAN:

Proclaiming October 21, 2014, to be "Officer Scott Lockwood Day" in the City of San Diego.

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

ITEM-33: San Vicente Dam Raise Day.

MAYOR FAULCONER'S RECOMMENDATION:

Congratulating the San Diego County Water Authority on the successful completion of the San Vicente Dam Raise and declaring July 16, 2014, to be "San Vincente Dam Raise Day" in the City of San Diego.

ITEM-34: Dr. Jon Nachison Day.

MAYOR FAULCONER'S RECOMMENDATION:

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

ITEM-35: 6th Annual La Jolla Art & Wine Festival Days.

COUNCIL PRESIDENT PRO TEM LIGHTNER'S RECOMMENDATION:

Proclaiming October 11 and 12, 2014, to be "6th Annual La Jolla Art & Wine Festival Days" in the City of San Diego.

ITEM-36: 20th Anniversary of First American Trust.

COUNCIL PRESIDENT PRO TEM LIGHTNER'S RECOMMENDATION:

Congratulating First American Trust for achieving 20 years of excellence in San Diego and declaring October 2, 2014, to be "First American Trust Day" in the City of San Diego.

ITEM-37: Cyber Security Awareness Month.

COUNCIL PRESIDENT PRO TEM LIGHTNER'S RECOMMENDATION:

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

ITEM-38: Del Mar Carmel Valley Sharks GU17 Elite Soccer Team Victory Day.

COUNCIL PRESIDENT PRO TEM LIGHTNER'S RECOMMENDATION:

Proclaiming October 12, 2014, to be "Del Mar Carmel Valley Sharks GU17 Elite Soccer Team Victory Day" in the City of San Diego.

ITEM-39: Sensei Will Jackson day.

COUNCILMEMBER HARRIS' RECOMMENDATION:

Proclaiming November 17, 2014, to be "Sensei Will Jackson day" in the City of San Diego.

ITEM-40: The Epsilon XI Omega Chapter of Alpha Kappa Alpha Sorority, Inc. Day.

COUNCILMEMBER COLE'S RECOMMENDATION:

Proclaiming October 19, 2014, to be "The Epsilon XI Omega Chapter of Alpha Kappa Alpha Sorority, Inc. Day" in the City of San Diego.

ITEM-41: Tijuana Economic Development Corporation Day.

COUNCILMEMBER KERSEY'S RECOMMENDATION:

Proclaiming August 29, 2014, to be "Tijuana Economic Development Corporation (Deitac) Day" in the City of San Diego.

ITEM-42: Allied Gardens 60th Anniversary Day.

COUNCILMEMBER SHERMAN'S RECOMMENDATION:

Proclaiming October 18, 2014, to be "Allied Gardens 60th Anniversary Day" in the City of San Diego.

ITEM-43: Tijuana River Valley Action Month.

COUNCILMEMBER ALVAREZ'S RECOMMENDATION:

Proclaiming September 20, to October 11, 2014, to be "Tijuana River Valley Action Month" in the City of San Diego.

SPECIAL ORDERS OF BUSINESS

None.

ADOPTION AGENDA, CONSENT ITEMS

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

NON-AGENDA PUBLIC COMMENT

The Non-Agenda Public Comment will be taken Monday, October 21, 2014, at 6:00 p.m.

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 Agreement with Manuel Oncina Architects, Inc.
(Citywide.)

ITEM DESCRIPTION:

The Professional Services Agreement with Manuel Oncina Architects, Inc., provides architectural design services for the design of various Capital Improvements Projects. These services included the preparation of construction documents, construction administration services and preparation of various reports. This item will amend the As-Needed Architectural Design Services Agreement with Manuel Oncina Architects, Inc., to extend the duration of the contract an additional 3 years bringing the total contract duration to 8 years for a new expiration date of December 7, 2017.

STAFF'S RECOMMENDATION:

Introduce the following ordinance:

(O-2014-117 Cor. Copy) (Rev. 10/15/14)

Introduction of an Ordinance authorizing the Mayor, or his designee, to execute, for and on behalf of the City, the Second Amendment to the As-Needed Architectural Design Services Agreement with Manuel Oncina Architects, Inc., to extend the duration of the Agreement by an additional 36 months (three years), for the purpose of completing the open task orders for various Capital Improvements Projects 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.

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

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS: None.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

- On December 4, 2009, the City entered into an Agreement with Manuel Oncina Architects, Inc., to provide As-Needed Architectural Design Services.
- On March 11, 2013, this Agreement was amended to extend the duration by 2 additional years.
- 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: Darren Greenhalgh\619-533-3616, MS 612

Secondary Contact\Phone: Jim Shamloufard\619-533-3160, MS612

City Attorney Contact: Rae, Christina L.

* ITEM-51: Amendment No. 1 to the Consultant Agreement with AECOM USA, Inc., for the MBC Biosolids Storage Silos (9 & 10) Project. (District 6.)

ITEM DESCRIPTION:

Request Council authorization to execute the First Amendment to the Agreement (H084253) with AECOM USA, Inc., for engineering design and construction support services for the MBC Biosolids Storage Silos (9 & 10) Project. This Amendment provides additional funds to increase the engineering services under the Agreement. This Amendment will also provide a time extension which will allow AECOM USA, Inc., to continue with engineering support tasks during the construction of this project.

STAFF'S RECOMMENDATION:

Introduce the following ordinance:

(O-2015-36)

Introduction of an Ordinance, authorizing the Mayor, or his designee, to execute the First Amendment to the Agreement with AECOM USA, Inc., for additional construction support services for the MBC Biosolids Storage Silos (9 & 10) Project, CIP S-00322, in an additional amount not to exceed \$71,323.50, for the contract amount of \$954,556.50, contingent upon the Chief Financial Officer demonstrating that the funds are, or will be, on deposit with the City Treasurer;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$71,323.50 from CIP S-00322, MBC Biosolids Storage Silos (9 & 10) Project, Fund 700009, Metro Sewer CIP, for the purpose of executing this First Amendment, contingent upon adoption of the Fiscal Year 2015 Appropriation Ordinance and contingent upon the Chief Financial Officer certifying that the funds 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 total estimated cost for professional engineering services with AECOM USA, Inc., is \$954,556.50. Funding of \$883,233 was previously authorized and is available in CIP S-00322, MBC Biosolids Storage Silos (9 & 10) Project, Fund 700009, Metro Sewer CIP Fund, and funding for the additional \$71,323.50 is available in CIP S-00322, MBC Biosolids Storage Silos (9 & 10) Project, Fund 700009, Metro Sewer CIP Fund, for this purpose. The project cost may be reimbursed from future financing from a State Revolving Fund Loan. No future funding is anticipated for this Agreement. Contingent upon adoption of the Fiscal Year 2015 Appropriation Ordinance, the City Comptroller's Certificate will be provided prior to contract award.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

- AECOM USA, Inc., Council approved the Agreement on March 20, 2009 (R-304713, \$883,233).

- This item was heard by 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\619-553-6600

Secondary Contact\Phone: Iraj Asgharzadeh\619-533-5105

City Attorney Contact: Jung, Jeremy A.

- * ITEM-52: City of San Diego and Ruffin - SD, LLC - First Amendment to Lease for office space located at 9370 Chesapeake Drive, San Diego, CA 92123. (Kearny Mesa Community Area. District 6.)

ITEM DESCRIPTION:

This action is to approve a First Amendment to the City's lease with Ruffin - SD, LLC, at 9370 Chesapeake Drive in San Diego, CA 92123, for office space currently occupied by the Storm Water Division of the Transportation and Storm Water Department. The First Amendment will allow a 6-year extension of the original lease. The lease expired on May 31, 2014.

STAFF'S RECOMMENDATION:

Introduce the following ordinance:

(O-2015-20)

Introduction of an Ordinance authorizing the Mayor, or his designee, to execute and deliver that certain First Amendment to Lease between Ruffin - SD, LLC, a Limited Liability Company, as lessor, and the City of San Diego, as lessee;

Authorizing the Chief Financial Officer to appropriate and expend funds up to \$2,120,789 for rent, including utilities, for the duration of the six-year extended term of the Lease from the General Fund, Fund No. 100000, Cost Center No. 9912001112, General Ledger Account 512217.

NOTE: 6 votes required pursuant to Section 99 of the City Charter. (Rev. 10/16/14)

STAFF SUPPORTING INFORMATION

FISCAL CONSIDERATIONS:

This action will authorize a total expenditure of \$2,120,789 as follows:

FY 15: \$318,736

FY 16: \$328,304

FY 17: \$338,152

FY 18: \$348,296

FY 19: \$387,833

FY 20: \$399,468

The FY 15 annual rent has been reduced which results in a cost savings to the City's General Fund of \$124,484. The City will save an additional \$108,123 from four months of free rent.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

This item was heard at the Smart Growth and Land Use Committee meeting on September 24, 2014.

ACTION: Motion by Councilmember Cole, second by Councilmember Sherman, to approve staff recommendation and forward to full City Council.

VOTE: 4-0; Zapf-yea, Lightner-yea, Cole-yea, Sherman-yea.

Geitz/Villa

Primary Contact\Phone: Mary Lou Houghton\619-236-6124, 51A

Secondary Contact\Phone: Brad Bennett\619-236-6191, 51A

City Attorney Contact: Jodlowski, Alexis L.

ADOPTION AGENDA, CONSENT ITEMS

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

- * ITEM-53: 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.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 9/30/2014, Item 50.
(Council voted 9-0):

(O-2015-26)

Declaring that the Utilities Undergrounding Program projects described in Exhibit A, are exempt from San Diego Municipal Code Section 62.1206.

- * ITEM-54: Approval of an Ordinance Amending the San Diego Municipal Code relating to the Facilities Benefit Assessment (FBA) Fee Deferral Program.

ITEM DESCRIPTION:

Requesting adoption of an Ordinance Amending the San Diego Municipal Code relating to the Facilities Benefit Assessment (FBA) Fee Deferral Program, which is set to expire on December 31, 2014.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance, which was introduced on 10/06/2014, Item 200.
(Council voted 8-0. Councilmember Emerald not present):

(O-2015-25)

Amending Chapter 6, Article 1, Division 22, of the San Diego Municipal Code by amending Section 61.2210, relating to deferral of payment of Facilities Benefits Assessments.

* ITEM-55: Wegeforth Elementary School Park Improvements Joint Use Agreement. (Serra Mesa Community Area. District 7.)

ITEM DESCRIPTION:

This action authorizes the Mayor, or his designee, to approve the Joint Use Agreement for Wegeforth Elementary School. The Agreement will provide for the construction, operation, and maintenance of a turf field and recreational facilities at the school.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance, which was introduced on 10/06/2014, Item 201, Subitem A. (Council voted 8-0. Councilmember Emerald not present):

(O-2015-23)

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City, the Lease and Joint-Use Agreement between the City and the San Diego Unified School District for the construction, operation, and maintenance of a turf field and recreational facilities at Wegeforth Elementary School (Agreement), under the terms and conditions set forth in the Agreement;

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: 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.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 10/07/2014, Item 50.
(Council voted 8-0. Councilmember Emerald not present):

(O-2015-33)

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.

- * ITEM-57: 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.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 10/07/2014, Item 51.
(Council voted 8-0. Councilmember Emerald not present):

(O-2015-31)

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.

- * ITEM-58: 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.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 10/07/2014, Item 52.
(Council voted 8-0. Councilmember Emerald not present):

(O-2015-30)

Receiving and reviewing 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.

- * ITEM-59: 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.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinances which were introduced on 10/07/2014, Item 60, Subitems A, C, and E. (Council voted 8-0. Councilmember Emerald not present):

Subitem-A: (O-2015-32)

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: (O-2015-35) (Rev. 10/15/14)

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. (Rev. 10/15/14)

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

Subitem-C: (O-2015-34)

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.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- * ITEM-100: AT&T Fiber Optic Cable Relocation Project - Joint Use Agreement with AT&T and Cooperative Agreement with Caltrans. (Carmel Valley Community Area. District 1.)

ITEM DESCRIPTION:

The AT&T Fiber Optic Cable Relocation Project will relocate an existing AT&T fiber optic cable line along the east side of I-5 between Carmel Valley Road and Del Mar Heights Road onto City streets. This requested action authorizes the Mayor, or his designee, to enter into a Joint Use Agreement with AT&T and a Cooperative Agreement with Caltrans for the relocation.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2015-122)

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City, a Joint Use Agreement with AT&T, for the relocation of the AT&T Fiber Optic Cable Line, in connection with the AT&T Fiber Optic Cable Relocation Project, under the terms and conditions set forth in the Joint Use Agreement;

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City, a Cooperative Agreement with Caltrans, for the funding of the AT&T Fiber Optic Cable Line, in connection with the AT&T Fiber Optic Cable Relocation Project, under the terms and conditions set forth in the Joint Use Agreement.

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

Caltrans is funding 100% of AT&T's Fiber Optic Cable Relocation cost.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

- Approval of a Cooperative Agreement with Caltrans for the I-5/SR-56 Interchange Project, dated September 9, 2003, City of San Diego Document RR 298357.
- Approval of Amendment No. 1 to Agreement with Caltrans for the I-5/SR-56 Interchange Project, dated January 22, 2008, City of San Diego Document RR 19708.
- This item was heard at the Smart Growth and Land Use Committee meeting on September 24, 2014.

ACTION: Motion by Councilmember Lightner, second by Councilmember Cole, to approve staff recommendation and forward to full City Council.

VOTE: 4-0; Zapf-yea, Lightner-yea, Cole-yea, Sherman-yea.

Nagelvoort/Heinrichs

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

- * ITEM-101: Buck Consultants Benefits Consulting, Brokerage, and Actuarial Services Contract Amendment No. 1 and Approval of the first of two one-year renewal options. (Citywide.)

ITEM DESCRIPTION:

This is a request for approval of Amendment No. 1 to the Buck Consultants Benefits Consulting, Brokerage, and Actuarial Services Contract. This Amendment will increase the contract value by \$250,000 for the design and implementation of a new Disability Benefits Program required as a result of the passage of Proposition B in conjunction with the already implemented Defined Contribution Plan. This action also requests approval of the first of two one-year renewal options for the Buck Consultants contract. The renewal authorizes an additional \$278,000 starting in FY 2016. The current contract term expires on October 31, 2015.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2015-181)

Authorizing the Mayor, or his designee, to enter into Amendment Number 1 to the contract with Buck Consultants, LLC, for benefits consulting, brokerage, and actuarial services for additional services related to the design and implementation of a new Disability Benefits Program required as a result of the passage of Proposition B;

Authorizing the Chief Financial Officer to appropriate and expend an additional \$250,000 based on the attached FTE allocation for the provision of benefits consulting, brokerage, and actuarial services, contingent upon the Chief Financial Officer first furnishing one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the Mayor, or his designee, to elect a one year option to extend the term of the contract to October 31, 2016, for an additional amount not to exceed \$278,000;

Authorizing the Chief Financial Officer to appropriate and expend \$260,000 for Fiscal Year 2016 from the Risk Management Fund 720048, contingent upon the approval of the Fiscal Year 2016 Appropriation Ordinance and the Chief Financial Officer first furnishing one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the Chief Financial Officer to appropriate and expend \$9,000 for Fiscal Year 2016, from the Long Term Disability Fund 720042, contingent upon the approval of the Fiscal Year 2016 Appropriation Ordinance and the Chief Financial Officer first furnishing one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the Chief Financial Officer to appropriate and expend \$9,000 for Fiscal Year 2016, from the Worker's Compensation Fund 720044, contingent upon the approval of the Fiscal Year 2016 Appropriation Ordinance and the Chief Financial Officer first furnishing one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The total contract amount is \$1,362,000: \$250,000 will be funded using the attached Citywide FTE Allocation; \$278,000 for FY 2016 will be funded as follows: \$260,000, Risk Management Fund 720048; \$9,000, Long Term Disability Fund 720042; and \$9,000, Workers' Compensation Fund 720044.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

This item was heard at the Budget and Government Efficiency Committee meeting on October 1, 2014.

ACTION: Motion by Councilmember Kersey, second by Councilmember Alvarez, to recommend approval and forward the item to Council.

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

Bych/Lewis

Primary Contact\Phone: Greg Bych\619-236-6651, MS 51B

Secondary Contact\Phone: Estella Montoya\619-533-6107, MS 51B

City Attorney Contact: Gersten, William

- * ITEM-102: Authorizing application, acceptance, and expenditure for Fiscal Year 2015-2020 Federal Grant Funds through the Institute of Museum and Library Services for Library Department Programs and Services.

ITEM DESCRIPTION:

Authorizing application, acceptance, and expenditure of Fiscal Year 2015-2020 Federal Grant Funds through the Institute of Museum and Library Services (IMLS) for Library Department programs and services. IMLS funded programs and services are intended to advance innovation, lifelong learning, and cultural and civic engagement.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2015-187)

Authorizing the Mayor, or his designee, to apply for, accept, appropriate, and expend one or more grant awards not exceeding \$250,000 per fiscal year and per grant from the Institute of Museum and Library Services (IMLS) to support Library programs and services in Fiscal Years 2015, through 2020, and to execute all grant agreements necessary to comply with the grant requirements and take all actions necessary to secure the grant funding;

Authorizing the Chief Financial Officer to accept, appropriate, and expend up to the full amount of any IMLS grants received in Fiscal Years 2015, through 2020;

Authorizing the Chief Financial Officer to establish separate interest-bearing accounts for any IMLS Grants received in Fiscal Years 2015, through 2020.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

Upon receipt of grant awards, grant funds may be matched through in-kind contributions of employee salaries and budgeted services, supplies and equipment. Any required match for Institute of Museum and Library Services (IMLS) funded programs or services will be within the approved City General Fund Budget Appropriation for Fiscal Years 2015, through 2020.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

R-306660. Final passage, March 18, 2011.

Jones/Graham

Primary Contact\Phone: Misty Jones\619-236-5873

Secondary Contact\Phone: Stephanie Gilbert\619-236-5889

City Attorney Contact: Gleeson, Carrie L.

- * ITEM-103: Grant from the State of California to Fund an Alcohol and Drug Impaired Driver Vertical Prosecution Program in the Criminal Division, Office of the City Attorney.

ITEM DESCRIPTION:

This action authorizes the application and acceptance of a grant from the State of California - Office of Traffic Safety in the amount of \$263,000. The grant will be used to fund a Deputy City Attorney and a City Attorney Investigator for an Alcohol and Drug Impaired Driver Vertical Prosecution Program, for a one year period (October 1, 2014, to September 30, 2015).

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2015-180)

Authorizing the City Attorney, or his designee, to apply for, accept, and take all necessary actions to secure a grant from the State of California - Office of Traffic Safety for an Alcohol and Drug Impaired Driver Vertical Prosecution Program, for an amount not to exceed \$263,000 to fund a Deputy City Attorney and City Attorney Investigator in the City Attorney's Office, Criminal Division, for the period October 1, 2014, to September 30, 2015, on the terms and conditions outlined in the Grant Agreement;

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

Authorizing the Chief Financial Officer to appropriate and expend up to \$263,000 from Fund No. 600000 from grant funds secured for the purpose described above;

Authorizing the Chief Financial Officer to establish a special interest-bearing fund for the grant money, if required;

Agreeing to indemnify, defend, and save harmless the State of California, its officers, agents, and employees, from any and all claims and losses resulting from the City's performance of the Agreement, as required by the terms of the Grant Agreement.

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The grant of \$263,000 would fund one Deputy City Attorney and one Criminal Division Investigator for the period October 1, 2014, to September 30, 2015.

PREVIOUS COUNCIL AND/O COMMITTEE ACTION:

None.

Bamberg/Nuesca

Primary Contact\Phone: Abby Salaiz\619-533-5868

Secondary Contact\Phone: Marlea Dell'Anno\619-533-5520

City Attorney Contact: Bradley, Catherine M.

* ITEM-104: Settlement of personal injury claim of Christopher Folsom, Muriel Folsom, and Hunter Folsom, a minor. Risk Management File No. 6134.

ITEM DESCRIPTION:

This is a complaint for personal injuries suffered by Christopher Folsom, Muriel Folsom, and Hunter Folsom, a minor, as the result of a vehicle accident. The proposed settlement would resolve all claims brought by the Folsom's.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2015-153)

Authorizing the Mayor, or his designee, to pay the sum of \$500,000 from the Public Liability Fund No. 720045, in settlement of each and every claim for damages, interest, costs, and fees of any type, including attorney fees, against the City of San Diego, its agents and employees, arising from the personal injury claim of Christopher Folsom, Muriel Folsom, and Hunter Folsom, a minor, San Diego Superior Court Case No. 37-2013-00045200-CU-PA-CTL;

Authorizing the Chief Financial Officer to appropriate and expend \$500,000 from the Public Liability Fund, Fund No. 720045, contingent upon the Chief Financial Officer first furnishing one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the City Comptroller to issue two checks in the amounts of: \$250,000, made payable to Kathryn P. Cooney Attorney Client Trust Account; \$250,000 payable to BHG Structured Settlements, Inc.

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

Settlement amount of \$500,000 will be paid from the Public Liability Fund No. 720045.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

The item was considered in Closed Session on September 16, 2014.

Bamberg

Primary\City Attorney Contact\Phone: Bonny Hsu\619-533-6371

* ITEM-105: Appointments and Reappointments to the Commission for Arts and Culture.

MAYOR FAULCONER'S RECOMMENDATION:

Adopt the following resolution:

(R-2015-169 Cor. Copy)

Council confirmation of the following appointments and reappointments by the Mayor of the City of San Diego, to serve as members of the Commission for Arts and Culture, for terms expiring as indicated:

<u>NAME</u>	<u>TERM ENDING</u>
Sharletta Richardson (National City) (Reappointment)	August 31, 2016
Janet Poutre (Clairemont, District 2) (Reappointment)	August 31, 2016
Norma Rodriguez (South Park, District 3) (Reappointment)	August 31, 2016
Carlos Cristiani (Tierrasanta, District 7) (Reappointment)	August 31, 2016
Rebecca Smith (Mission Hills, District 3) (Reappointment)	August 31, 2016
Sheryl White (Del Mar) (Reappointment)	August 31, 2016
Jonathan Bailey (Mission Hills, District 3) (Filling the seat previously held by Robert Gleason, who is termed out)	August 31, 2016

Jason Whooper
(Bankers Hill, District 3)
(Filling the seat previously
held by Odelia Hurston,
who is termed out)

August 31, 2016 (Rev. 10/17/14)

Declaring that pursuant to Council Policy 000-13, for purposes of deliberation and consideration of appointments, it is determined that Sharletta Richardson and Sheryl White are residents of San Diego County, but not the City of San Diego, and have unique qualifications to serve as members of the Board; therefore, conscious exceptions to Council Policy 000-13 are hereby declared.

* ITEM-106: Appointment to the Horton Plaza Theatres Foundation.

COUNCIL PRESIDENT GLORIA'S RECOMMENDATION:

Adopt the following resolution:

(R-2015-182)

Council confirmation of the following appointment by the Council of the City of San Diego, to serve as a member of the Board of Directors of the Horton Plaza Theatres Foundation, for a term ending as indicated:

NAME

TERM ENDING

Pamela Hamilton Lester
(Point Loma, District 2)
(New position)

June 7, 2018

* ITEM-107: Appointments to the Bicycle Advisory Committee.

COUNCIL PRESIDENT GLORIA'S RECOMMENDATION:

Adopt the following resolution:

(R-2015-168)

Council confirmation of the following appointments by the Council of the City of San Diego, to serve as members of the Bicycle Advisory Committee, for terms ending as indicated:

<u>NAME</u>	<u>CATEGORY</u>	<u>TERM ENDING</u>
Monique Lopez (Talmadge, District 9) (Initial appointment)	District 4 Representative	July 1, 2016
Jacqueline Marie Ward (Clairemont, District 6) (Initial appointment)	District 6 Representative	July 1, 2016
Everett Hauser (Normal Heights, District 3) (Initial appointment)	District 7 Representative	July 1, 2015

- * ITEM-108: Resolution excusing Councilmember Emerald from Meetings of the Council, the Infrastructure and Environment Committees, and the Public Safety and Livable Neighborhoods Committee, due to illness.

COUNCILMEMBER EMERALD'S RECOMMENDATION:

Adopt the following resolution:

(R-2015-188)

Excusing Councilmember Marti Emerald from the Council meetings of September 15, 2014, September 16, 2014, and September 29, 2014; the meeting of the Infrastructure Committee on September 17, 2014; the meeting of the Environment Committee on September 17, 2014; and the meeting of the Public Safety and Livable Neighborhood Committee on September 18, 2014, due to illness.

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

**ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS
ORDINANCES TO BE INTRODUCED:**

ITEM-330: Proposed Amendments to Campaign Laws.

ITEM DESCRIPTION:

Adopt amendments to the City's campaign laws to address current practices that create an appearance of corruption and reduce transparency with respect to the funding of campaign advertisements.

ETHICS COMMISSION'S RECOMMENDATION:

Introduce the following ordinance:

(O-2015-37)

Introduction of an Ordinance amending Chapter 2, Article 7, Division 29, of the San Diego Municipal Code by amending Section 27.2916; adding Sections 27.2947 and 27.2959; and amending Sections 27.2966, 27.2971, and 27.2980, all relating to the City of San Diego Election Campaign Control Ordinance.

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS: None.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

Economic Development and Intergovernmental Relations approved proposed changes on September 22, 2014.

Fulhorst

Primary Contact\Phone: Stacey Fulhorst\619-533-3477, MS 615E
Secondary Contact\Phone: Stephen Ross\619-533-3484, MS 615E
City Attorney Contact: Bradley, Catherine

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

RESOLUTIONS:

ITEM-331: Adopting the 2015 Legislative Calendar and FY 2016 Key Budget Dates.
(Citywide.)

ITEM DESCRIPTION:

Adopt the schedule of meetings for the City Council, Standing Committees, and Budget Review Committee of the City Council, which includes the meetings of the Housing Authority, for the period of January 1, 2015, through December 31, 2015, as proposed; and Adopting the Fiscal Year 2016 Budget Process Key Dates as approved the Budget and Government Efficiency Committee.

COUNCIL PRESIDENT GLORIA'S RECOMMENDATION:

Adopt the following resolution:

(R-2015-170)

Adopting the schedule of meetings for the City Council, Standing Committees, and Budget Review Committee of the City Council, which includes meetings of the Housing Authority, for the period of January 1, 2015, through December 31, 2015;

Adopting the Fiscal Year 2016 Budget Process Key Dates.

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

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS: None.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

The FY 2016 Budget Key Dates went to the Budget and Government Efficiency Committee on October 1, 2014.

ACTION: Motion by Council President Pro Tem Lighter, second by Councilmember Zapf, to approve the proposed calendar and forward it to Council.

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

Jurado-Sainz

Primary Contact\Phone: Diana Juardo-Sainz\619-236-6633, MS 10A
City Attorney Contact\Phone: Spivak, Sharon B.

ITEM-332: Recognition of the Barrio Logan Planning Group. (Barrio Logan Community Area. District 8.)

ITEM DESCRIPTION:

Approval of Resolution Recognizing the Barrio Logan Planning Group.

COUNCILMEMBER ALVAREZ'S RECOMMENDATION:

Adopt the following resolution:

(R-2015-186)

Approving the Barrio Logan Community Planning Group Bylaws and initial membership and terms;

Finding that the initial conditions have been met in accordance with Council Policy 600-24 for the Barrio Logan Community Planning Group to receive official recognition by the City of San Diego.

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS: N/A

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: N/A

Smith

Primary Contact\Phone: Gabriel Solmer\619-236-6688
Secondary Contact\Phone: Lisa Schmidt\619-236-6688
City Attorney Contact: Thomas, Shannon M.

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT