

# 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, 12<sup>th</sup> Floor, City Administration Building**

**Tuesday, October 28, 2014**

**AGENDA FOR THE  
REGULAR COUNCIL MEETING OF  
TUESDAY, OCTOBER 28, 2014, AT 10:30 AM (Rev. 10/24/14)  
CITY ADMINISTRATION BUILDING  
COUNCIL CHAMBERS – 12<sup>TH</sup> 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 10:30 a.m. The City Council will meet in Closed Session this morning from 9:00 a.m. – 10:30 a.m. Copies of the Closed Session agenda are available in the Office of the City Clerk. (Rev. 10/24/14)**

**OTHER LEGISLATIVE MEETINGS**

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

Internet access to the agenda is available at:

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

**ROLL CALL**

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF COUNCIL MINUTES**

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

09-22-2014 - 2:00 p.m.  
09-22-2014 - 6:00 p.m. - Adjourned  
09-23-2014

**PROCLAMATIONS/CEREMONIAL ITEMS**

**NOTE:** The following Proclamation will not be presented in Council Chambers and approved by Unanimous Consent unless pulled for discussion. (Rev. 10/24/14)

ITEM-30: California Society of Radiologic Technologists Day.

**COUNCILMEMBER HARRIS' RECOMMENDATION:**

Proclaiming November 8, 2014, to be "California Society of Radiologic Technologists Day" in the City of San Diego.

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

ITEM-31: Troy Daum Day.

**PRESENTED BY COUNCILMEMBER KERSEY:**

Proclaiming October 28, 2014, to be "Troy Daum Day" in the City of San Diego.

ITEM-32: PetSmart Day.

**PRESENTED BY COUNCILMEMBER SHERMAN:**

Proclaiming October 28, 2014, to be "PetSmart 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: **Note:** This item has been removed from today's agenda. (Rev. 10/24/14)

\* ITEM-50: **Note:** This item has been removed from today's agenda. (Rev. 10/24/14)

- \* ITEM-51: Amendments to Two (2) Professional Services Agreements Related to Contamination at the Qualcomm Stadium site and Mission Valley Aquifer from Mission Valley Terminal. (Mission Valley Community Area. District 7.)

**ITEM DESCRIPTION:**

This item is to authorize the execution of Amendments to Environmental Consultant Agreement with INTERA, Inc., \$200,000, and Environmental Legal Agreement with Oppen & Varco, LLP, \$100,000, regarding the cleanup of contamination to the Qualcomm Stadium and Mission Valley Aquifer, from the Mission Valley Terminal. Each Agreement term to be extended one additional year.

**STAFF'S RECOMMENDATION:**

Introduce the following ordinances:

Subitem-A: (O-2015-28)

Introduction of an Ordinance authorizing and directing the Mayor, or his designee, to execute, for and on behalf of the City of San Diego, the Ninth Amendment to the Agreement with Oppen & Varco, LLP, for an additional one-year term, through December 31, 2016, and an additional \$100,000, for a total contract amount not to exceed \$578,000, for Environmental Legal Services in connection with the clean-up of contamination to the Qualcomm Stadium property, and the Mission Valley Aquifer, from releases of petroleum products at the Mission Valley Terminal, under the terms and conditions set forth in the Ninth Amendment to the Agreement between the City of San Diego and Oppen & Varco, LLP, for Legal Services;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$100,000, from Fund No. 700011 - Water Utility Operating Fund, solely and exclusively, to provide funds for the above Ninth Amendment, provided that the Chief Financial Officer first furnishes one or more certificates demonstrating that the funds necessary for this expenditure are, or will be, on deposit with the City Treasurer.

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

Subitem-B: (O-2015-29)

Introduction of an Ordinance authorizing and directing the Mayor, or his designee, to execute, for and on behalf of the City of San Diego, the Ninth Amendment to the Agreement with INTERA, Inc., for an additional one-year term, through December 31, 2016, and an additional \$200,000, for a total contract amount not to exceed \$1,650,000, for Environmental Consulting Services in connection with the clean-up of contamination to the Qualcomm Stadium property and the Mission Valley Aquifer from releases of petroleum products at the Mission Valley Terminal, under the terms and conditions set forth in the Ninth Amendment to the Agreement between the City of San Diego and INTERA, Inc., for Consulting Services;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$200,000, from Fund No. 700011 - Water Utility Operating Fund, solely and exclusively, to provide funds for the above Ninth Amendment, provided that the Chief Financial Officer first furnishes one or more certificates demonstrating that the funds necessary for this 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 Ninth Amendment to the Agreement with INTERA, Inc., adds \$200,000, for a total contract amount of \$1,650,000. The Ninth Amendment to the Agreement with Opper & Varco, LLP, adds \$100,000, for a total contract amount of \$578,000. These Amendments will be funded from the Public Utilities Department FY 2015, thru FY 2016 Operating Budget, Water Fund No. 700011.

**PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:**

Ordinances for the Eighth Amendment to the Agreement with INTERA, Inc. (O-20307), and the Eighth Amendment to the Opper & Varco, LLP Agreement (O-20308), were approved by the Council of the City of San Diego on October 22, 2013.

Mulvey/Heinrichs

Primary Contact\Phone: Gregory Cross\619-533-4235, MS 906  
Secondary Contact\Phone: Marsi Steirer\619-533-4112, MS 906  
City Attorney Contact: Stroud, Heather L.

\* ITEM-52: Amendment No. 3 to Cooperative Agreement with Caltrans for the Construction of Carroll Canyon Road Extension Project. (Torrey Pines and Mira Mesa Community Areas. Districts 1 and 6.)

**ITEM DESCRIPTION:**

This action will authorize the execution of Amendment No. 3 to Cooperative Agreement with Caltrans. The proposed Agreement would compensate Caltrans in the amount not to exceed \$900,000 for the reconstruction of the City's existing storm drain system in Carroll Canyon Road, east of Scranton Road. In addition, this action will appropriate and expend by an amount not to exceed \$40,000 in interest earnings for the purpose of City Staff Oversight.

**STAFF'S RECOMMENDATION:**

Introduce the following ordinance:

(O-2015-48)

Introduction of an Ordinance authorizing the Mayor, or his designee, to execute for and on behalf of the City, the Third Amendment to the Cooperative Agreement with Caltrans, for the construction of Carroll Canyon Road Extension in A-CA.00001, Drainage Projects, CIP B-14129, Carroll Canyon Road Storm Drain Replacement, in an amount not to exceed \$900,000, under the terms and conditions set forth in the Third Amendment to the Agreement;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$900,000 from A-CA.00001, Drainage Projects, CIP B-14129, Carroll Canyon Road Storm Drain Replacement, of which \$173,428.66 is from Fund 400169, Transnet Extension, \$587,490.06 is from Fund 400848, Deferred Maintenance Revenue 2012A-Project and \$139,081.28 is from Fund 400853, PFFA Lease Revenue Bonds 2013A-Project for the purpose of executing this Amendment to the Agreement, contingent upon the Chief Financial Officer furnishing a certificate certifying that all funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the Chief Financial Officer to increase the Capital Improvements Program Budget in CIP S-00841, Carroll Canyon Road/Sorrento Valley Road District 1, and to appropriate and expend an amount not to exceed \$40,000 from Fund 400843, Carroll Canyon Road Extension for the purpose of City Staff Oversight;

Certifying that this activity is covered under MND/EA (SCH No. 2009011064, adopted April 2, 2009) adequately addressed in the environmental document and there is no change in circumstance, additional information, or project changes to warrant additional environmental review. The activity is part of a series of subsequent discretionary actions adequately covered by the previously approved project and is not considered a separate

project for purposes of the California Environmental Quality Act (CEQA) review as defined in State CEQA Guidelines Section 15378(c);

Authorizing the Chief Financial Officer, upon advice from the administering department, to transfer excess funds, if any, to the appropriate reserves.

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

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

The Stormwater Division has created CIP B-14129, Carroll Canyon Road Storm Drain Replacement a sublet of the annual allocation A-CA.00001 Drainage Projects to pay for the cost of reconstructing the existing storm drain system. The total funds for this action are in A-CA.00001, Drainage Projects, (CIP B-14129, Carroll Canyon Road Storm Drain Replacement), in the amount not to exceed \$900,000 of which \$173,428.66 is from Fund 400169, Transnet Extension, \$587,490.06 is from Fund 400848, Deferred Maintenance Revenue 2012A-Project and \$139,081.28 is from Fund 400853, PFFA Lease Revenue Bonds 2013A-Project for the purpose of executing Amendment No. 3 to the Cooperative Agreement with Caltrans. In addition, this action will appropriate and expend by the amount not to exceed \$40,000 in interest earnings to A-CA.00001 - Drainage Projects, (CIP B-14129, Carroll Canyon Road Storm Drain Replacement), from Fund 400843, Carroll Canyon Road Extension for the purpose of City Staff Oversight.

**PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:**

- Resolution No. R-304921, dated May 19, 2009, authorized the Cooperative Agreement with Caltrans.
- Resolution No. R-306576-2, dated February 1, 2011, authorized Amendment No. 1 to the Cooperative Agreement with Caltrans.
- Ordinance No. O-20330, dated December 10, 2013, authorized Amendment No. 2 to the Cooperative Agreement with Caltrans.
- This item was heard at the Infrastructure Committee meeting on October 8, 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.

Gibson/Heinrichs

Primary Contact\Phone: Marnell Gibson\619-533-5213, MS 908A  
Secondary Contact\Phone: Abi Palaseyed\619-533-4654, MS 908A  
City Attorney Contact: Gerrity, Ryan P.

- \* ITEM-53: Reimbursement Agreement with Pardee Homes for the design and construction of Traffic Signals located at Carmel Valley Road and Clarkview Lane (No. 15) and Carmel Valley Road and Via Albertura (No. 16) in Pacific Highlands Ranch. (Pacific Highlands Ranch Community Area. District 1.)

**ITEM DESCRIPTION:**

Reimbursement Agreement with Pardee Homes for the design, and construction of two traffic signals, at the intersections of Carmel Valley Road and Clarkview Lane (No. 15) and Carmel Valley Road and Via Albertura (No. 16) in Pacific Highlands Ranch. Waiver of the Competitive Bidding requirements and Consultant Services Selection process under San Diego Municipal Code Section 22.3202, and Council Policies 300-07 and 100-10.

**STAFF'S RECOMMENDATION:**

Introduce the following ordinance:

(O-2015-40)

Introduction of an Ordinance authorizing the Mayor, to execute, for and on behalf of the City, a Reimbursement Agreement with Pardee Homes for the purchase, design, and construction of Project No. T-7, in the Pacific Highlands Ranch Community under the terms and conditions set forth in the Agreement;

Waiving the consultant selection requirements of San Diego Municipal Code Section 22.3202, Council Policy 300-07, and Council Policy 100-10, as to the following consultants: (1) Latitude 33 Planning & Engineering shall be the consultant for civil engineering; (2) Urban Systems Associates, Inc., shall be the consultant for traffic and transportation engineering; and (3) MJS Construction Management & Engineering shall be the consultant for project administration;

Authorizing the Chief Financial Officer to appropriate and expend an amount not to exceed \$261,000 from CIP S-01062 Traffic Signals, Fund 400090, Pacific Highlands Ranch FBA Fund, consistent with the timing established in the most recently adopted Financing Plan, and contingent upon the Chief Financial Officer furnishing one or more certificate(s) certifying that funds necessary for expenditure are, or will be, on deposit in the City Treasury;

Authorizing the Chief Financial Officer, upon advice from the administering department, to transfer excess funds, if any, to the appropriate reserves.

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

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

This Reimbursement Agreement will allow Pardee Homes' to advance the design and construction of the traffic signals totaling \$261,000 with reimbursement from the Pacific Highlands Ranch FBA. These costs are incorporated into the budget for this project and are included in the Financing Plan.

**PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:**

This item was heard at the Infrastructure Committee meeting on October 8, 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.

City Council approved the Fiscal Year 2013 Pacific Highlands Ranch Public Facilities Financing Plan, by Resolution No. R-307364, on April 10, 2012. The traffic signals included in the Reimbursement Agreement are identified as Project No. T-7.

Fulton/Chadwick

Primary Contact\Phone: Oscar Galvez III\619-533-3685, MS 606F  
Secondary Contact\Phone: John Tracanna\619-533-3682, MS 606F  
City Attorney Contact: Lintvedt, Inga B.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- \* ITEM-100: Fire Station 38 Dormitory Addition Fund Transfer. (Mira Mesa Community Area. District 6.)

**ITEM DESCRIPTION:**

This action is to provide additional funding in the amount of \$200,000 to the Capital Improvement Project for upgrading Fire Station 38 in the Mira Mesa Community. The additional funding will provide for the addition of an ambulance garage to the Project.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2015-201)

Authorizing the Chief Financial Officer to transfer appropriations in the amount of \$200,000, of which \$45,000 is from A-BC.00001, Fire Station Major Component Rehab/Replac Annual Allocation, Fund 400000, Capital Outlay-Sales, and \$155,000 is from S-00787, Fire Station 22, Fund 400848, Def. Maint. 2012A-Proj. to S-10006, Fire Station 38 Dormitory Addition for the purpose of construction;

Authorizing the Chief Financial Officer to increase the Capital Improvements Program Budget in CIP S-10006, Fire Station 38 Dormitory Addition and to appropriate and expend \$200,000, of which \$45,000 is from Fund 400000, Capital Outlay-Sales and \$155,000 is from Fund 400848, Def. Maint. 2012A-Proj., for the purpose of construction.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

The total project estimate for the new Ambulance Garage Additive Alternate, Fire Station 38 Dormitory Addition, is \$200,000. Funds for this action in the amount of \$200,000, is being funded as follows: \$45,000 from A-BC.00001, Fire Station Major Component Rehab/Replac Annual Allocation, Fund 400000, Capital Outlay-Sales and \$155,000 from S-00787, Fire Station 22, Fund 400848, Def. Maint. 2012A-Proj. This transfer is required to fully fund construction of the Fire Station 38 Ambulance Garage.

**PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:**

This item was heard at the Infrastructure Committee meeting on October 8, 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: Elif Cetin\619-533-4640

Secondary Contact\Phone: Mark Nassar\619-533-6600

City Attorney Contact: Brazier, Noah J.

- \* ITEM-101: Appropriation of funds from Talmadge Maintenance Assessment District Fund to Talmadge Decorative Street Light Restoration CIP Project S-00978. (Talmadge Community Area. District 9.)

**ITEM DESCRIPTION:**

Council authorization is requested to appropriate an additional \$60,000 from the Talmadge Maintenance Assessment District (MAD), Fund 200076, to the Talmadge Decorative Street Light Restoration Project (CIP S-00978) for the purpose of completing the final phase of this project. This project provides for upgrades and improvements to the existing lighting infrastructure in the MAD and will provide visual neighborhood enhancements.

**STAFF'S RECOMMENDATION:**

Adopt the following resolutions:

(R-2015-193)

Subitem-A: (R-2015-193)

Authorizing the Chief Financial Officer to amend the Fiscal Year 2015 Capital Improvements Program Budget to increase CIP S-00978, Talmadge Decorative Street Light Restoration Project, by the amount of \$60,000; in accordance with the Annual Appropriation Ordinance;

Authorizing the Chief Financial Officer to appropriate and expend the amount of \$60,000 from Fund No. 200076, Talmadge Maintenance Assessment District (MAD) Fund, for the purpose of providing funds for CIP S-00978, Talmadge Decorative Street Light Restoration Project.

Subitem-B: (R-2015-194)

Determining that the Project is categorically exempt from California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15302(d);

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

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

This action would authorize the total project costs of \$366,800. The additional funds of \$60,000 for the action are available in CIP S-00978 Talmadge Decorative Street Light Restoration; Fund 200076, Talmadge Maintenance Assessment District (MAD).

**PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:**

- The Talmadge MAD was approved for renewal by City Council on July 29, 2014.
- On August 8, 2014, City staff met with the Talmadge MAD Citizen Advisory Committee to discuss this contract and completion of this project.
- This item was heard at the Infrastructure Committee meeting on October 8, 2014.

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

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

Parker/Graham

Primary Contact\Phone: Paul Sirois\619-685-1307, MS 5D  
Secondary Contact\Phone: Fernando Lasaga\619-533-7406, MS 908A  
City Attorney Contact: Skogen, Daphne Z.

\* ITEM-102: Settlement of personal injury case, *Perez v City of San Diego*, Risk Management File No. 7906.

**ITEM DESCRIPTION:**

This is the settlement of a lawsuit stemming from an auto accident. Settlement will resolve all claims between the parties.

**CITY ATTORNEY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2015-136)

Authorizing the sum of \$67,500 to be paid from 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 Litigation;

Authorizing the City Comptroller to issue a check in the amount of \$67,500, made payable to Martin William Perez and his attorney, Deon S. Goldschmidt.

**SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

Settlement of \$67,500 will be paid from Public Liability Fund No. 720045.

**PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:**

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

Bamberg

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

\* ITEM-103: Settlement of personal injury claim of Jane Doe, resulting from a stop and detention by a police officer. Risk Management File No. iVOS 5115.

**ITEM DESCRIPTION:**

This is a complaint for personal injuries suffered by Jane Doe as the result of her stop and detention by a former San Diego Police Officer. The proposed settlement would resolve all claims brought by Jane Doe.

**CITY ATTORNEY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2015-190)

Authorizing the Mayor, or his designee, to pay the sum of \$5,900,000 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 *Doe, Jane v. COSD, et. al.*, U.S. District Court Case Number: 12CV00689-MMA (DHB);

Authorizing the Chief Financial Officer to appropriate and expend \$5,900,000 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 checks as follows:

- a. A check for the amount of \$2,150,000, made payable to Dicks & Workman Client Trust Account for Jane Doe;
- b. A check for the amount of \$750,000, made payable to BHG Structured Settlements, Inc.; and
- c. A check for the amount of \$3,000,000, made payable to Dicks & Workman Attorneys at Law, APC.

**SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

Settlement in the amount of \$5,900,000 will be paid from the Public Liability Fund No. 720045.

**PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:**

The item was considered in Closed Session on August 7, 2014.

Bamberg

Primary Contact\City Attorney\Phone: Christina M. Milligan\619-235-5895, MS 59

\* ITEM-104: Appointment and Reappointment to the Housing Commission.

**MAYOR FAULCONER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2015-171)

Council confirmation of the following appointment and reappointment by the Mayor of the City of San Diego, to serve as members of the San Diego Housing Commission, for terms expiring as indicated:

<b><u>NAME</u></b>	<b><u>CATEGORY</u></b>	<b><u>TERM ENDING</u></b>
Ben Moraga (Mission Valley, District 7) (Reappointment)	General member	January 2, 2018
Dorothy Surdi (Mission Valley, District 7) (Filling the seat previously held by Jim Waring, who has termed out)	General member	January 2, 2018

- \* ITEM-105: Resolution excusing Councilmember Emerald from Meetings of the Council and the Committees of Environment and Infrastructure, due to personal issues.

**COUNCILMEMBER EMERALD'S RECOMMENDATION:**

Adopt the following resolution:

(R-2015-195)

Excusing Councilmember Emerald from attending the meetings of October 6, 2014, and October 7, 2014; the meeting of the Infrastructure Committee on October 8, 2014; and the meeting of the Environment Committee on October 8, 2014, due to personal issues.

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

- \* ITEM-106: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2015-41)

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.

- \* ITEM-107: Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City. (Rev. 10/22/14)

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2014-729)

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.

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

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

ITEM-330: Proposed Amendments to San Diego Municipal Code Related to Recall, Chapter 2, Article 7, Division 27.

**ITEM DESCRIPTION:**

Approve Amendments to Article 7: Elections, Campaign Finance and Lobbying.

Division 27: Recall. Amendments to Section include several proposed changes that are housekeeping in nature or propose superficial formatting or grammatical changes to the Municipal Code itself and the creation of the “City Clerk Administrative Guidelines” to capture some of the format specifications related to the petition.

Substantive changes include:

1. Prohibit Recall in Final 6 Months of Term.
2. Increase Proponents to 5 and Require Residency/Voter Registration.
3. Eliminate the Supplemental Petition.
4. Update the Circulation period to 120 Days.

**TODAY’S ACTION IS:**

Introduce the following ordinance:

(O-2015-38)

Introduction of an Ordinance amending Chapter 2, Article 7, Division 27, of the San Diego Municipal Code by amending Sections 27.2701 and 27.2702; by retitling and amending Section 27.2703; by amending and renumbering current Section 27.2703 to Section 27.2704; by amending and renumbering Section 27.2713 to Section 27.2705; by amending and renumbering Section 27.2704 to Section 27.2706; by amending and renumbering Section 27.2705 to Section 27.2707; by amending and renumbering Section 27.2706 to Section 27.2708; by amending and renumbering Section 27.2707 to Section 27.2709; by amending and renumbering Section 27.2708 to Section 27.2710; by amending and renumbering Section 27.2709 to Section 27.2711; by amending and renumbering Section 27.2710 to Section 27.2712; by repealing Section 27.2711; by amending and renumbering Section 27.2712 to Section 27.2713; by repealing Section 27.2713; by amending Sections 27.2714, 27.2715, 27.27.16, 27.2717, and 27.2718; by repealing Sections 27.2719 and 27.2720; by amending and renumbering

Section 27.2721 to Section 27.2719; by amending and renumbering Section 27.2722 to Section 27.2720; by amending and renumbering Section 27.2723 to Section 27.2721; by amending and renumbering Section 27.2724 to Section 27.2722; by amending and renumbering Section 27.2725 to Section 27.2723; by amending and renumbering Section 27.2727 to Section 27.2724; by amending and renumbering Section 27.2728 to Section 27.2725; by amending and renumbering Section 27.2729 to Section 27.2726; by amending and renumbering Section 27.2730 to Section 27.2727; by amending and renumbering Section 27.2731 to Section 27.2728; and by amending and renumbering Section 27.2732 to Section 27.2729; all relating to recall.

**SUPPORTING INFORMATION:**

FISCAL CONSIDERATIONS: N/A

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

- July 30, 2014 - Economic Development and Intergovernmental Relations - requested more information and to return in September.
- September 22, 2014 - Economic Development and Intergovernmental Relations.

**ACTION:** Motion by Councilmember Kersey, second by Councilmember Harris, to move staff recommendation to full Council with a recommendation for approval.

**VOTE:** 3-0; Lightner-yea, Harris-yea, Kersey-yea, Alvarez-not present, Emerald-not present.

Maland

Primary Contact\Phone: Elizabeth Maland\619-533-4080, MS 2A

Secondary Contact\Phone: Bonnie Stone\619-533-4060, MS 2A

City Attorney Contact: Spivak, Sharon B.

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

ITEM-331: Vice Permits and Licensing Proposed Ordinance Changes to Secondhand/Pawn/Junk Dealers, Massage and HHPs, and Alarm Permits. (Citywide.)

**ITEM DESCRIPTION:**

The San Diego Police Department (Department) is responsible for issuing permits and regulating a variety of businesses and occupations collectively referred to as Police Regulated Occupations and Businesses. The Department is requesting the following Amendments to the San Diego Municipal Code to stay current with changes to state law, more effectively capture accurate cost recovery revenue, protect public health and safety, and to effectively reduce crime.

**STAFF'S RECOMMENDATION:**

Introduce the following ordinances:

Subitem-A: (O-2015-41)

Introduction of an Ordinance amending Chapter 3, Article 3, Division 1, of the San Diego Municipal Code by amending Section 33.0102; amending Chapter 3, Article 3, Division 11, by retitling the division and renumbering Section 33.0101 to 33.1103, adding new Section 33.1101, amending Section 33.1102, amending and renumbering Sections 33.1103 to 33.1104, 33.1104 to 33.1105, 33.1105 to 33.1106, and 33.1106 to 33.1107, and adding new Section 33.1108, all relating to Secondhand Dealers, Pawnbrokers, and Junk Yards.

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

Subitem-B: (O-2015-42)

Amending Chapter 3, Article 3, Division 35, by retitling the division, by amending Sections 33.3501, 33.3502, 33.3504, 33.3505, repealing Section 33.3507, amending and renumbering Section 33.3508 to 33.3507, renumbering Section 33.3509 to 33.3508, amending and renumbering Sections 33.3510 to 33.3509 to and 33.3511 to 33.3510, repealing Section 33.3512, amending and renumbering Sections 33.3513 to 33.3511 and 33.3514 to 33.3512, renumbering Sections 33.3515 to 33.3513, 33.3516 to 33.3514, and 33.3517 to 33.3515, amending and renumbering Section 33.3518 to 33.3516,

renumbering Section 33.3519 to 33.3517, amending and renumbering Sections 33.3520 to 33.3518 and 33.3521 to 33.3519, renumbering Sections 33.3522 to 33.3520 and 33.3523 to 33.3521, amending and renumbering Section 33.3524 to 33.3522, renumbering Section 33.3525 to 33.3523, amending and renumbering Sections 33.3526 to 33.3524 and 33.3527 to 33.3525, renumbering Section 33.3528 to 33.3526, and by repealing Section 33.3529; by amending Chapter 3, Article 3, Division 44, by amending Sections 33.4401, 33.4402, 33.4403, 33.4404, 33.4405, 33.4406, 33.4407, and 33.4409, and repealing Section 33.4410; and by repealing Chapter 4, Article 6, Division 1, of the San Diego Municipal Code, Sections 46.0101 to 46.0105, all relating to Massage and Holistic Health Practitioners.

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

Subitem-C: (O-2015-43)

Amending Chapter 3, Article 3, Division 5, by amending Sections 33.0501, 33.0503, 33.0505, 33.0506, 33.3507, and 33.3508; and amending Chapter 3, Article 3, Division 37, by amending Sections 33.3701, 33.3702, 33.3703, 33.3704, 33.3705, 33.3707, 33.3715, 33.3716, 33.3718, 33.3719, 33.3720, 33.3721, and 33.3723, all relating to user permits for fire-harmful gas alarm system appeals and burglary, robbery, and emergency alarm system exemptions.

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

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

There are no costs associated with this action.

**PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:**

- These same Municipal Code changes, along with changes to exemptions allowed for Entertainment Permits, were presented to the Public Safety and Neighborhood Services Committee on July 18, 2012. The committee requested that San Diego Police Permits & Licensing identify stakeholders who would be affected by the loss of exemption to the Entertainment Permit and that they be notified of pending Council action.
- These changes were then heard at City Council meeting on December 4, 2012, and were subsequently returned to staff for revision. The revision removes all requested changes to fee exemptions, with the other changes remaining as originally presented. Due to the amount of time that has passed and the separation of the items into three separate ordinances, the Amendments are being brought back to committee for review prior to review by the full Council.

- This item was heard at the Public Safety and Livable Neighborhoods Committee meeting on June 18, 2014, and forwarded to the full City Council. Subsequent to Committee action, the City Attorney's Office finished review of the draft Ordinances presented at the Public Safety and Livable Neighborhoods Committee meeting and additional Municipal Code Sections were added to the Ordinances. The Amendments to the additional Municipal Code Sections are non-substantive and for the purpose of format and language clean-up so all sections conform to current, standard San Diego Municipal Code conventions and to make subsections more consistent with one another.

**ACTION:** Motion by Councilmember Harris, second by Councilmember Cole, to approve Subitems A through C, and forward to Council.

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

Ramirez/Chadwick

Primary Contact\Phone: Lt. Dan Plein\619-531-2973, MS724

Secondary Contact\Phone: Sgt. Kevin Moyna\619-531-2282, MS724

City Attorney Contact: Folkman, Paige E.

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: Amendment to Council Policy 600-24 titled "Standard Operating Procedures and Responsibilities of Recognized Community Planning Groups". (Citywide.)

**ITEM DESCRIPTION:**

Periodically, various provisions of Council Policy 600-24 are updated to assist recognized community planning groups fulfill their roles as identified in the Policy. The 2014 revision was initiated by the Community Planners Committee, and additional revisions were proposed by the Planning staff. It is the first major substantive revision to Council Policy 600-24 since 2007.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2015-189)

Adopting the requested Amendments to Council Policy 600-24, and confirming the recommendations regarding required amendments to individual community planning groups' bylaws.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

There is no measurable change anticipated in the existing budgeted cost of supporting community planning groups based on these revisions.

**PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:**

This item was heard at the Smart Growth and Land Use Committee meeting on July 30, 2014.

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

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

Tomlinson/Graham

Primary Contact\Phone: Betsy McCullough\619-236-6139, MS 413

Secondary Contact\Phone: Bernie Turgeon\619-533-6575, MS 413

City Attorney Contact: Thomas, Shannon

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

ITEM-333: San Diego Square Apartments - Final Financing Authorization. (District.3.)

**ITEM DESCRIPTION:**

Authorize the issuance of a Housing Authority of the City of San Diego multifamily housing revenue Note to fund the acquisition and rehabilitation of San Diego Square Apartments, which will preserve affordable housing.

**SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:**

Adopt the following resolution:

(R-2015-150)

Declaring that the City Council of the City of San Diego, as the applicable elected representative under Section 147(f) of the Internal Revenue Code of 1986, as amended (Code), approving the issuance of the multifamily housing revenue note (Note) by the Housing Authority of the City of San Diego (Authority);

Declaring that the City does not warrant the creditworthiness of the Note or guarantee, in any way, the payment of the Note. No moneys of the City will be pledged or applied to the repayment of the Note.

**SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

The proposed funding sources and uses approved by this action were approved by the Housing Authority in the Fiscal Year 2015 Housing Commission Budget. Approving this action will not change the Housing Commission Fiscal Year 2015 total budget. Please refer to staff report for further information.

**PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:**

- On May 14, 2013, the City Council approved amending the San Diego Square Apartments (SDS) ground lease with San Diego Kind Corporation (R-308156) and approved a new SDS Percentage Ground Lease with HDP (R-308190 and RR-308190).
- The Housing Commission and Housing Authority approved (respectively on September 13, 2013 and September 24, 2013), an up to \$6,000,000 residual receipts loan plus approved the initial steps to issue up to \$17,825,000 of tax-exempt multifamily housing revenue bonds.
- On September 24, 2013, the City Council held a TEFRA hearing as required by the IRS Code. The resulting TEFRA approval (effective for one year) has expired.
- On April 30, 2014, the City Council authorized execution of Housing Development Partners (HDP's) First Amendment to the Percentage Ground Lease for SDS.
- This item was approved at the October 10, 2014, Housing Commission meeting.

**NOTE:** See the Housing Authority Agenda of October 28, 2014, for a companion item.

Davis/Graham

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

City Attorney Contact: Bartolotta, Bret A.

**NON-DOCKET ITEMS**

**ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES**

**ADJOURNMENT**