

CITY OF SAN DIEGO COUNCIL DOCKET



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Todd Gloria • Third District

COUNCIL PRESIDENT PRO TEM

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COUNCILMEMBERS

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Mark Kersey • Fifth District

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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, November 18, 2014

**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
TUESDAY, NOVEMBER 18, 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.

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/> (Rev. 11/14/14)

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF COUNCIL MINUTES

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

10/13/2014-Adjourned
10/14/2014-Adjourned

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 WILL BE TAKEN AT THE CONCLUSION OF TODAY'S AGENDA

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

* ITEM-50: 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.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 10/21/2014, Item 330. (Council voted 9-0):

(O-2015-37)

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.

- * 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 Opper & 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.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinances which were introduced on 10/28/14, Item 51, Subitems A and B. (Council voted 7-0. Councilmember Harris and Councilmember Alvarez not present).

Subitem-A: (O-2015-28)

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 Opper & 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 Opper & 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)

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.

ADOPTION AGENDA, CONSENT ITEMS
ORDINANCES TO BE INTRODUCED:

- * ITEM-52: Third Amendment to the HDR Engineering, Inc., Design Agreement for City Wide Pump Station Upgrades. (Citywide.)

ITEM DESCRIPTION:

City Council authorization of Amendment Number Three (3) to the Agreement with HDR Engineering, Inc., for continued Professional Engineering Services for the City Wide Pump Station Upgrades projects. Specifically, the Amendment will be to complete the construction, start-up, and close-out of Group Numbers II and III, and Stations 84/62.

STAFF'S RECOMMENDATION

Introduce the following ordinance:

(O-2015-218)

Introduction of an Ordinance authorizing the Mayor, or his designee, to execute, for and on behalf of the City, a Third Amendment to the Agreement with HDR Engineering, Inc., for Professional Engineering Services, in an amount not to exceed \$199,152, and under the terms and conditions set forth in the document, contingent upon the Chief Financial Officer furnishing a certificate certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$199,152, for the purpose of the above Amendment to the Agreement, 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, in the amounts as follows: \$68,938 from CIP S-00303, PS Upgrades Group I North County, Fund 700008, Sewer, of which \$52,906 is for CIP S-00304, PS Upgrades Group II Citywide and \$16,032 is for CIP S-00305, PS Upgrades Group III Forcemains, and \$130,214 from CIP S-00308, PS 84 Upgrade and PS 62 Abandonment, Fund 700008, Sewer of which \$52,906 is for CIP S-00304, PS Upgrades Group II Citywide and \$16,032 is for CIP S-00305, PS Upgrades Group III Forcemains, and \$130,214 from CIP S-00308, PS 84 Upgrade and PS 62 Abandonment, Fund 700008, Sewer.

NOTE: 6 votes required pursuant to Charter Section 99.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The total cost for professional engineering services with HDR Engineering, Inc., is \$4,027,507. Funding of \$3,828,355 was previously authorized by Council (R-297744 - \$1,428,335, R-299233 - \$915,539 and O-19935 - \$1,484,481) for professional engineering services for four separate groups of Pump Station Upgrades, totaling 23 Sewer Pump Stations. Additional funding of \$199,152 for the Third Amendment to the Agreement with HDR Engineering, Inc., is available from CIP S-00303 (Legacy CIP 41-929.0), PS Upgrades Group I North County and CIP S-00308, PS 84 Upgrade & PS 62 Abandonment, Fund 700008, Sewer, for this purpose.

The total cost for professional engineering services for HDR Engineering, Inc., is \$4,027,507. This Agreement will be funded in FY 2015. No future funding is anticipated beyond FY 2015.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

- On January 13, 2002, Council (R-297744) executed an Agreement with CGvL Engineers in the amount of \$1,428,335 and on March 11, 2004, Council (R-299233) executed a First Amendment to the Agreement with CGvL Engineers for \$915,539 for the design of four separate groups of Pump Stations Upgrades and on March 09, 2010 (introduced on February 16, 2010), Council (O-19935) executed a Second Amendment to the Agreement with HDR Engineering, Inc., for \$1,484,481. HDR Engineering, Inc., acquired CGvL Engineers on May 1, 2004 and assumed all responsibilities for the City Wide Pump Station Upgrades Projects, and all related activities.
- 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: Mark Nassar\619-533-6600, MS 908A
Secondary Contact\Phone: Hossein Azar\619-533-4102, MS 908A
City Attorney Contact: Jung, Jeremy A.

* ITEM-53: City EMS Medical Director Agreement - First Amendment.

ITEM DESCRIPTION:

Request Council Ordinance to extend the Amended City EMS Medical Director Agreement for services of Dr. James Dunford. The current Agreement is set to expire on December 31, 2014, and includes a provision to extend the contractor's services for up to five years. The Fire-Rescue Department is requesting to extend the Agreement for one year, through December 31, 2015, with the option for 4 annual renewals, if the parties agree, through December 31, 2019. In addition, there is a modification to the scope of work.

STAFF'S RECOMMENDATION:

Introduce the following ordinance:

(O-2015-27)

Introduction of an Ordinance authorizing the Mayor, or his designee, to execute an amended Emergency Medical Services Medical Director Agreement with Dunford Medical Consultation, extending that Agreement from January 1, 2015, to December 31, 2015, with four optional one-year extensions;

Authorizing the Chief Financial Officer to appropriate and the City Comptroller to expend the funds for the contracted services for the second half of FY 2015, in the amount of \$116,020, and for each subsequent fiscal year as part of the budget process.

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

STAFF SUPPORTING INFORMATION:**FISCAL CONSIDERATIONS:**

The base compensation for the term of this contract is \$232,040. The contract also provides for an annual CPI adjustment not to exceed 3% per year. The total cost if all 5 years are optioned shall not exceed \$1,250,405. This cost will be partially offset by an ambulance transport fee (currently \$2.40 per patient transport) to be paid for by the Ambulance contractor. This fee will also be subject to annual CPI adjustments. The estimated fiscal impact to the Emergency Medical Services/Medical Transport Fund and projected ambulance transport fee offsets as a result of extending this Agreement are as follows:

Fiscal Year	Projected Fiscal Impact to the EMS/MTS Fund	Projected Revenue Offset
FY 2015*	\$116,020	\$100,000
FY 2017	\$246,170	\$210,000
FY 2018	\$253,555	\$216,000
FY 2019	\$261,162	\$229,000
FY 2020*	\$134,498	\$117,000

*The term of the contract is based on a calendar year. As a result, the fiscal impacts and projected ambulance transport fee revenue have only been projected for six months for FY 2015 (January through June) and FY 2020 (July through December).

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

- The original five-year EMS Medical Director Agreement with this contractor was approved by City Council on December 17, 2009, (R-305478).
- This item was heard at the Public Safety and Livable Neighborhoods Committee meeting on October 29, 2014.

ACTION: Motion by Councilmember Cole, second by Councilmember Kersey, and forwarded to full Council with a recommendation to approve.

VOTE: 3-0; Emerald-yea, Cole-yea, Kersey-yea.

Mainar/Chadwick

Primary Contact\Phone: Alyssa Ross\619-533-4308

Secondary Contact\Phone: Chief Colin Stowell\619-525-8479

City Attorney Contact: Brazier, Noah J.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- * ITEM-100: Cooperative Procurement Contract with SirsiDynix for Integrated Library Services.

ITEM DESCRIPTION:

This action will approve a Cooperative Procurement Agreement between the Library Department and SirsiDynix, for Integrated Library System (ILS) Services for a period of five years. The Integrated Library System is the software platform for managing acquisitions, cataloging, patron records, and materials circulation at all 35 Branch Libraries, and the Central Library.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2015-250)

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City of San Diego, the Contract between the City and SirsiDynix;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$231,909, solely and exclusively, to provide funds for the first year of the above-referenced Contract, with a 2.9 percent rate increase case for a five-year total of \$1.2 million, in accordance with Contract Specifications with SirsiDynix, contingent upon the adoption of the Annual Appropriation Ordinance, and contingent upon the Chief Financial Officer furnishing a certificate certifying that funds necessary for the expenditure are, or will be, on deposit with the City Treasurer.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The Contract is for a not-to-exceed amount of \$231,909, for the first year from the date of award, with a 2.9 percent rate increase cap for a five year total of \$1.2 million.

Below are the annual cost projections for the duration of the Five Year Agreement:

Year 1: \$231,909
Year 2: \$237,764
Year 3: \$244,655
Year 4: \$251,749
Year 5: \$259,049

Total projected cost: \$1,225,126.

Costs will be paid out of the Library General Fund No. 100000.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

This item was heard at the Public Safety and Livable Neighborhoods Committee meeting on October 29, 2014.

ACTION: Motion by Councilmember Cole, second by Councilmember Kersey, and forwarded to the full Council with a recommendation to approve.

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

Jones/Graham

Primary Contact\Phone: Misty Jones\619-236-5870

Secondary Contact\Phone: Frank Camacho\619-236-5808

City Attorney Contact: Dugard, Prescilla

- * ITEM-101: Central Library Cafe: Nine Dragons, Inc., Concession Agreement. (The Central Library is located in Council District 3. Communities: Balboa Park, Bankers Hill/Park West, Downtown, Golden Hill, Hillcrest, Little Italy, Mission Hills, Normal Heights, North Park, Old Town, South Park, and University Heights) Impact is Citywide, and to any national or international customer. District 3.)

ITEM DESCRIPTION:

Approve the Concession Agreement between the City of San Diego (Library Department) and Nine Dragons, Inc., dba Kassiana the Living Room for a three-year term and the right to extend for one additional two-year term subject to all original terms and conditions with the City's right to apply a fair market increase to the rent for the ensuing two-year term.

STAFF'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2015-245)

Authorizing and directing the Mayor, or his designee, to execute, for and on behalf of the City, the Concession Agreement, with Nine Dragons, Inc., a California Corporation, for the operation of a food and beverage café at the City's Central Library in Downtown San Diego.

Subitem-B: (R-2015-246)

Declaring that the Concession Agreement with Nine Dragons, Inc., a California Corporation, to operate a food and beverage café at the City's Central Library in Downtown San Diego, is categorically exempt from California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 and that an exception to the exemption does not apply under CEQA Guidelines Section 15300.2.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The Library Department has agreed to a Concession Agreement with Nine Dragons, Inc. Basic terms of the Concession Agreement are as follows:

Term: Three (3) years, with the effective date on the Agreement to be the date when the Concessionaire begins any Tenant Improvement work on the premises. Nine Dragons Inc., has the right to extend the Concession Agreement for one additional two (2) year term subject to all original terms and conditions, except for payment of rent. The City/Library Department has the right to apply a fair market increase to the rent for the ensuing two-year term.

Monthly Rent: Monthly rent shall be the greater of \$500 per month or six percent (6%) of the Concessionaire's gross revenue derived from its use of the concession area.

Projected Revenue: The Fiscal Year 2015 projected revenue is \$20,000; Fund 100000, Cost Center 1713110001, and General Ledger 418027. The initial year's projection was developed and recommended to the Library Department by the Consultant that worked on the Central Library construction project during the planning phase.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

This item was heard at the Public Safety and Livable Neighborhoods Committee meeting on October 29, 2014.

ACTION: Motion by Councilmember Cole, second by Councilmember Kersey, and forwarded to the full City Council with a recommendation to approve.

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

Jones/Graham

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

Secondary Contact\Phone: Patti Phillips\619-236-6766

City Attorney Contact: Fonseca, Jeremy M.

* ITEM-102: City of San Diego Marketing Partnership Agreement with Cardiac Science.

ITEM DESCRIPTION:

This Agreement will allow the Mayor to enter into a Marketing Partnership Agreement with Cardiac Science Corporation which represents revenue to the City ranging from a minimum of \$420,000 to \$1,050,000 depending on the length of the Agreement. The Agreement is based upon a two-year term with the option to renew for three additional one-year terms.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2015-219 Cor. Copy) (Rev. 11/13/14)

Authorizing the Mayor, or his designee, to enter into a Marketing Partnership Agreement with Cardiac Science for a two-year term with option to renew for three additional one-year terms.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

San Diego Fire-Rescue Department will receive a minimum of \$210,000 per fiscal year from Cardiac Science. Depending on the length of the Agreement, the total minimum value of the Agreement over 5 years is \$1,050,000.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

- City Council Approval in 2002 (RR-295749). City Council Approval in 2008 (R-303642).
- This item was heard at the Budget and Government Efficiency Committee meeting on October 29, 2014.

ACTION: Motion by Council President Pro Tern Lightner, second by Councilmember Alvarez, to forward staff recommendation to the full Council, with direction to correct the sales stipend dollar amount to \$175 in the Executive Summary, and provide clarity on zip codes listed. The stipend amount has been corrected in the Executive Summary and the zip codes provided on the attached zip code list.

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

Collura/LoMedico

Primary Contact\Phone: Natasha Collura\619-533-3822, MS 610
Secondary Contact\Phone: Maureen O'Connor\619-243-0911, MS 604
City Attorney Contact: Brazier, Noah J.

- * ITEM-103: Agreement with Clean Harbors Environmental Services, Inc., for Household Hazardous Waste Management, Transportation and Disposal Services.

ITEM DESCRIPTION:

Authorize the execution of the Agreement with Clean Harbors Environmental Services, Inc., for an initial term of one year, in an amount not to exceed \$771,000. This Agreement provides household hazardous waste management, transportation and disposal services for City residents.

STAFF'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2015-226)

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City, an Agreement with Clean Harbors Environmental Services, Inc., (Clean Harbors) for the management, transportation and disposal of household hazardous waste (HHW), for an initial one-year term beginning January 1, 2015, with options to renew the Agreement for four additional one-year terms, in accordance with RFP No. 10047656-15-V and Clean Harbors' Proposal in response thereto, under the terms and conditions set forth in the Agreement;

Authorizing the Chief Financial Officer to appropriate and expend an amount not to exceed \$771,000 from Fund Numbers 700039, 700048, and 710001, solely and exclusively, for the initial one-year term of the Agreement, contingent upon City Council approval of the Annual Appropriations Ordinance for the Applicable Fiscal Year and contingent upon the City Comptroller first furnishing one or more certificates demonstrating that the funds necessary for this expenditure are, or will be, on deposit in the City Treasurer;

Authorizing the Mayor, or designee, to exercise one or more options to extend the Agreement for up to four additional one-year terms, under the terms and conditions set forth in the Agreement;

Declaring if the Mayor determines to exercise one or more options to renew the Agreement, the Chief Financial Officer is authorized to appropriate and expend an amount not to exceed \$771,000 for the first option year, \$782,600 for the second option year, \$794,300 for the third option year, and \$806,200 for the fourth option year, contingent upon: (i) execution of a Written Amendment to the Agreement for each option year; (ii) passage of the Annual Appropriations Ordinance for the Applicable Fiscal Year; and (iii) on the City Comptroller furnishing one or more certificates demonstrating that the funds for the option year are, or will be, on deposit with the City Treasurer.

Subitem-B: (R-2015-227)

Determining that the Project is categorically exempt from California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15308;

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

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

A formal Service Level Agreement (SLA) between Environmental Services, Public Utilities, and Transportation and Storm Water Departments identifies funding for the Household Hazardous Waste (HHW) services. Additional funding is provided by the CalRecycle Used Oil Payment Program which is awarded annually.

Contract term is an initial one-year term with options to renew the Agreement for four additional one-year terms. Total contract cost over five years will not exceed \$3,925,100. Contract cost for the initial one-year term will not exceed \$771,000. Contract cost for the first option year will not exceed \$771,000. Contract cost for the second option year will not exceed \$782,600. Contract cost for the third option year will not exceed \$794,300. Contract cost for the fourth option year will not exceed \$806,200.

Contract funding for Fiscal Year 2015 is from Cost Center 2115121115, Fund 700039 for \$5,000; Cost Center 2115121116, Fund 700039 for \$7,500; Cost Center 2115111113, Fund 700048 for \$338,000; and Cost Center 2115111113, Fund 710001 for \$35,000.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

- Council Resolution: R-286189 adopted on July 31, 1995. Approval of the Household Hazardous Waste Element for the City of San Diego.
- Council Resolution: R-308955 adopted on June 5, 2014. Authorize the City to apply for and receive CalRecycle Used Oil Payment Program funds from FY 2014/2015 to FY 2018/2019.
- This item was heard at the Environment Committee meeting on October 8, 2014.

ACTION: Motion by Councilmember Zapf, second by Chair Alvarez, and forwarded to the full Council with a recommendation to approve.

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

Sierra/Heinrichs

Primary Contact\Phone: James Chen\858-492-5039, MS 1103A
Secondary Contact\Phone: Joy Newman\858-573-1204, MS 1103A
City Attorney Contact: Guy, Amanda L.

- * ITEM-104: Authorization to extend a contract with Kemira Water Solutions to provide ferric chloride for Water and Wastewater Facilities in the Public Utilities Department. (Citywide.)

ITEM DESCRIPTION:

Authorization to extend a contract with Kemira Water Solutions to provide ferric chloride for Water and Wastewater Facilities in the Public Utilities Department. This chemical is used to coagulate particulates for sedimentation in the water and wastewater treatment processes.

STAFF RECOMMENDATION:

Adopt the following resolution:

(R-2015-238)

Authorizing the Mayor, or his designee, to amend the contract with Kemira for ferric chloride and is further authorized to exercise the four options to extend the contract for additional one-year periods, for a total cumulative expenditure amount not to exceed \$19,175,945 over a maximum five-year duration, under the terms and conditions set forth in the document, contingent upon the Chief Financial Officer furnishing one or more certificates demonstrating that funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the Chief Financial Officer to expend a cumulative amount not to exceed \$19,175,945, of which \$11,009,958 is from the Metro Sewer Utility Fund 700001 and \$8,165,987 is from the Water Utility Fund 700011, for the purpose of providing funding for the aforementioned Kemira ferric chloride contract and extension options over a contract term not to exceed five (5) years, contingent upon the adoption of the Annual Appropriation Ordinance for the applicable fiscal year, and contingent upon the Chief Financial Officer furnishing one or more certificates demonstrating that funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The total not to exceed amount is \$19,175,945 for the five (5) year contractual term. Funds are, or will be available in the amount of \$11,009,958 from Metro Sewer Utility Fund 700001 and \$8,165,987 from Water Utility Operating Fund 700011, contingent upon the adoption of the Annual Appropriation Ordinance for the applicable fiscal year, and contingent upon the Chief Financial Officer furnishing one or more certificates certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasurer. Purchases will be made on an as-required basis.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: N/A

Mulvey/Heinrichs

Primary Contact\Phone: Cheryl Lester\858-292-6447, MS 903

Secondary Contact\Phone: Jesus Meda\619-527-3156, MS 43

City Attorney Contact: Jung, Jeremy A.

- * ITEM-105: San Diego Square Second Amendment to Ground Lease with Housing Development Partners (HDP), an affiliate of the San Diego Housing Commission, for Affordable Housing. (Downtown Community Area. District 3.)

ITEM DESCRIPTION:

This action is to authorize a Second Amendment to the Ground Lease with Housing Development Partners of San Diego (“HDP”) for affordable housing at San Diego Square. The Second Amendment will modify the Ground Lease so that HDP will not be obligated to pay rent in an amount more than seventy-five percent of San Diego Square’s Net Residential Operating Cash Flow in any Lease Year.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2015-244)

Authorizing and directing the Mayor, or his designee, for and on behalf of the City, the “Second Amendment to Percentage Ground Lease,” between the City and Housing Development Partners, a California Nonprofit Public Benefit Corporation, to amend the current “Percentage Ground Lease” for the San Diego Square property located at 910 C Street, San Diego, California;

Authorizing and directing the Chief Financial Officer to accept and deposit the \$4 million dollars and all other rents and payments received by the City from the subject lease into Low-Income Housing Lease Revenue Fund 200398.

STAFF SUPPORTING INFORMATION

FISCAL CONSIDERATIONS:

A one-time payment of \$4,000,000, and rent would commence as outlined in Section 3 of the Ground Lease. The rent would be deposited into the Low-Income Housing Lease Revenue Fund 200398.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

- The Ground Lease of the land between the City and Housing Development Partners (HDP) was approved by Resolution RR-308190, on May 16, 2013.
- The First Amendment authorizing a one year extension of time to satisfy pre-commencement conditions was approved by Resolution RR-308899, on April 30, 2014.
- Since matters regarding this Ground Lease were heard at the April 24, 2014 City Council meeting, this item is requested to be direct docketed for the November 17/18 Council meeting.

Thompson/Villa

Primary Contact\Phone: Mary Carlson\619-236-6079, MS 51A

Secondary Contact\Phone: Cybele Thompson\619-236-6145, MS 51A

City Attorney Contact: Fonseca, Jeremy M.

- * ITEM-106: United States General Services Administration (475 West Broadway) - Child Day Care Lease. (Columbia Sub Area of the Centre City Redevelopment Project. Districts 1-9.)

ITEM DESCRIPTION:

Approval of a proposed three-year lease extension between the City of San Diego and the General Services Administration for a children's day care facility located at 475 West Broadway.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2015-205)

Approving the Lease Amendment;

Authorizing the Mayor, or designee, on the City's behalf, to execute the Lease Amendment;

Authorizing the Chief Financial Officer to accept and deposit revenues from the Lease, as amended, into the GSA Lease Revenue Fund 200698;

Determining that the Project is categorically exempt from California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, and that an exception to the exemption, as set forth in CEQA Guidelines Section 15300.2, does not apply.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The City will receive annual rent of \$393,600. CivicSD has determined that the market value of the subject property is an annual rent of \$393,600. Keyser Marston Associates, a real estate advisory firm with extensive experience in the downtown San Diego market, provided a survey of current rental listings for retail and office space in prime locations in downtown San Diego indicating a market rental value for such properties between \$2.25 and \$3.25 per square foot per month. The annual rent under the GSA Lease Extension of \$393,600 (\$32,800 per month) exceeds this range, with a monthly rent equal to \$3.47 per square foot.

The City, as property owner and lessor, will be responsible to keep and maintain in good order and repair the base-building structure and systems, including the roof, exterior walls, elevators, electrical, plumbing and HVAC systems. The City will not be responsible for routine operational maintenance, which is an obligation of the Government. A separate fund has been created to deposit the monthly rent revenues paid to the City from the Government to cover the potential cost of these expenditures to be incurred by the City. As of June 30, 2014, the balance of the GSA Lease revenue fund is approximately \$1,137,990. The creation of this fund does not impact the City's ability to execute affordable housing projects under the Master Plan.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

This item was heard at the Smart Growth and Land Use Committee meeting on October 22, 2014.

ACTION: Motion by Councilmember Sherman, second by Councilmember Cole, to recommend approval of staff's recommendation.

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

Phillips/Graham

Primary Contact\Phone: Eli Sanchez\619-533-7121

City Attorney Contact: Slegars, Nathan

- * ITEM-107: Community Development Block Grant (CDBG) Funds for street improvements. (Encanto, Mid-City: Eastern Area, Mid-City: City Heights, and San Ysidro Community Areas. Districts 4, 8, and 9.)

ITEM DESCRIPTION:

This action will allocate Fiscal Year 2013 and Fiscal Year 2014 approved Community Development Block Grant (CDBG) funding to various sidewalk and traffic calming projects within CDBG eligible areas of the City.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2015-167)

Authorizing the Chief Financial Officer to increase the Capital Improvements Program Budget in the amount not to exceed \$1,144,000, and to appropriate and expend an amount not to exceed \$1,144,000 from Community Development Block Grant (CDBG), Fund 600000, of which \$400,000 is for CIP A-BE.00001, Americans with Disabilities Improvements, \$680,000 is for CIP A-IK.00001 New Walkways, and \$64,000 is for CIP A-IL.00001 Traffic Calming.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

Community Development Block Grant (CDBG) has been identified as available for the proposed improvements. This action will increase the budget in the annual allocation CIP A-BE.00001, Americans with Disabilities Improvements by \$400,000, CIP A-IK.00001 New Walkways by \$680,000, and CIP A-IL.00001 Traffic Calming by \$64,000.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

- R-307328 - Authorized the Chief Financial Officer to accept and allocate CDBG funds from HUD for the City's FY 2013 CDBG Program.
- R-308064 - Authorized the Chief Financial Officer to accept and allocate CDBG funds from HUD for the City's FY 2014 CDBG Program.
- This item was heard at the Infrastructure Committee meeting on October 8, 2014.

ACTION: Motion by Councilmember Cole, second by Councilmember Sherman, and forwarded to the full City Council with a recommendation to approve.

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-108: FY 2014 State Homeland Security Grant Program (SHSP). (Citywide.)

ITEM DESCRIPTION:

This action seeks authorization to accept, appropriate, and expend \$285,912, in FY 2014 State Homeland Security Grant Program (SHSP) funding from the California Governor's Office of Emergency Services via the County of San Diego Office of Emergency Services. This funding supports the San Diego Police Department by providing equipment to enhance its capabilities in interoperable communications, information technology, physical security for critical infrastructure, tactical response to terrorism incidents, and search and rescue.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2015-229)

Authorizing the Mayor, or his designee, for and on behalf of the City, to apply for, and accept \$285,912 in FY 2014 State Homeland Security Grant Program (SHSP) funding from the California Governor's Office of Emergency Services via the County of San Diego Office of Emergency Services, as the City's authorized agent, and to execute all Agreements necessary to comply with the grant requirements;

Authorizing the Chief Financial Officer, on behalf of the City, to appropriate and expend \$285,912 in FY 2014 State Homeland Security Grant Program funding from the California Governor's Office of Emergency Services via the County of San Diego Office of Emergency Services, as the City's authorized agent, contingent upon receipt of a fully executed Grant Agreement.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

There is no non-federal match or cost share required for participation in the State Homeland Security Grant Program (SHSP). However, this grant is reimbursable in nature, requiring the City to expend funds prior to requesting reimbursement.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: N/A

Mainar/Chadwick

Primary Contact\Phone: John Valencia\619-533-6763
Secondary Contact\Phone: Katherine Jackson\619-533-6761
City Attorney Contact: Brazier, Noah J.

* ITEM-109: FY 2014 Emergency Management Performance Grant Program. (Citywide.)

ITEM DESCRIPTION:

This action seeks authorization to accept, appropriate, and expend \$184,206 in FY 2014 Emergency Management Performance Grant (EMPG) Program funding from the California Governor's Office of Emergency Services via the County of San Diego Office of Emergency Services.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2015-230)

Authorizing the Mayor, or his designee, for and on behalf of the City, to apply for and accept \$184,206 in FY 2014 Emergency Medical Performance Grant Program funding from the California Governor's Office of Emergency Services via the County of San Diego Office of Emergency Services, as the City's authorized agent, and to execute all Agreements necessary to comply with the grant requirements;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$184,206 from the General Fund No. 100000, Cost Center No. 1915000012, for the purpose of funding grant match requirements;

Authorizing the Chief Financial Officer to appropriate and expend \$184,206 in FY 2014 Emergency Management Performance Grant Program funding from the California Governor's Office of Emergency Services via the County of San Diego Office of Emergency Services, as the City's authorized agent, contingent upon the receipt of a fully executed Grant Agreement.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The FY 2014 Emergency Management Performance Grant (EMPG) Program requires a dollar-for-dollar cash match by the City. Federal Emergency Management Agency (FEMA) administers cost sharing requirements in accordance with the 44 Code of Federal Regulations (CFR) Section 13.24. The City's FY 2014 EMPG allocation amount is not to exceed \$184,206. The City's required 100% match of its FY 2014 EMPG Program allocation is available from the Office of Homeland Security (OHS) FY 2015 General Fund Budget. If grant is awarded, match fund will come from: Cost Center 1915000012; Fund 100000, and GL 500011/512043.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: N/A

Mainar/Chadwick

Primary Contact\Phone: John Valencia\619-533-6763

Secondary Contact\Phone: Katherine Jackson\619-533-6761

City Attorney Contact: Brazier, Noah J.

- * ITEM-110: Acceptance of Assembly Bill (AB) 109 Grant Funds for Police Department Front-line Intervention Services.

ITEM DESCRIPTION:

Acceptance of \$2,830,880, from the Board of State and Community Corrections for front-line intervention services based upon an allocation formula agreed to by the San Diego County Chiefs and Sheriffs Association.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2015-241)

Authorizing the Mayor, or his designee, to accept from the California Board of State and Community Corrections, \$2,830,880 in Grant Funds, and any subsequent funding through Amendments or extensions, for a period of up to five years, from Fiscal Year 2015, through and including Fiscal Year 2019, provided funding is secured and made available by the California Board of State and Community Corrections, to implement Assembly Bill (AB) 109 - the Public Safety Realignment Act - to specifically provide enhanced Front-Line Police Intervention Programs;

Authorizing the Chief Financial Officer, or his designee, to appropriate and expend Grant Funding, authorized by the California Board of State and Community Corrections, including any Amendments, extensions, or subsequent funding for a period of up to five years, from Fiscal Year 2015, through and including Fiscal Year 2019, provided funding is secured and made available by the California Board of State and Community Corrections to implement AB 109 - the Public Safety Realignment Act - to specifically provide enhanced Front-Line Police Intervention Programs;

Authorizing the Chief Financial Officer, or his designee, to serve as the Fiscal Agent and accept funds from the California Board of State and Community Corrections, and to distribute funds to the Sheriff and other local Police agencies within the County of San Diego, as directed by the California Board of State and Community Corrections, for a period of up to five years, from Fiscal Year 2015, through and including Fiscal Year 2019, to implement AB 109 - the Public Safety Realignment Act - to specifically provide enhanced Front-Line Police Intervention Programs;

Authorizing the Chief Financial Officer to appropriate and disburse \$1,691,738, or the amount based upon an agreed allocation formula, to the San Diego County Sheriff's Department and other Police Agencies within the County, for a period of up to five years, from Fiscal Year 2015, through and including Fiscal Year 2019, provided funding is secured and made available by the California Board of State and Community Corrections.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

All expenses related to this item are Grant-Funded. Although there will be no net impact to the General Fund as a result of this action, Financial Management will be reviewing expenditures in the General Fund for the Police Department during the Quarterly Budget Monitoring process and requests to increase appropriations for these expenditures may be brought forward at that time.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

The 2013-2014 allocation of Assembly Bill (AB) 109 funds was approved by City Council on August 5, 2013.

Ramirez/Chadwick

Primary Contact\Phone: Stacy Roberts\619-531-2739

Secondary Contact\Phone: Kyle Meaux\619-531-2221

City Attorney Contact: Peter, Linda L.

- * ITEM-111: Community Projects, Programs and Services Funding to Beautiful MB, Inc., for fly-control endeavors in Mission Beach. (Mission Beach Community Area. District 2.)

ITEM DESCRIPTION:

Approvals of the funding allocation from Council District 2, along with authorization from City Council, are requested to allow the Mayor, or his designee, to enter into an Agreement with Beautiful MB, Inc., for an amount not to exceed \$5,000, to reimburse the non-profit for costs associated with fly-control endeavors in Mission Beach.

COUNCILMEMBER HARRIS'S RECOMMENDATION:

Adopt the following resolution:

(R-2015-240)

Declaring that the allocation described herein is made for a public purpose;

Waiving Council Policy 100-06, 3(g), which provides: "An organization may not apply to receive funding for an event or program which has already occurred, nor any capital improvement, goods, supplies, materials, or equipment which have already been purchased.";

Authorizing and directing the Mayor, or his designee, to execute, for and on behalf of the City, an Agreement with Beautiful MB, Inc., in an amount not to exceed \$5,000 for the project described herein, under terms and conditions set forth in the Agreement.

Authorizing the Chief Financial Officer to expend an amount not to exceed \$5,000 from the Community Projects, Programs and Services Budget Fund No. 100000, Cost Center 1102110002, to provide funds for the above-referenced Agreement, 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.

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

\$5,000 in Council Community Projects, Programs and Services Funding from Fund No. 100000, Cost Center No. 1102110002, will be used to reimburse Beautiful MB, Inc., for costs of fly-control endeavors in Mission Beach.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: N/A

Bukalova

Primary Contact\Phone: Chet Barfield\619-236-7057, MS 10A
Secondary Contact\Phone: Lori Witzel\619-236-6442, MS 10A
City Attorney Contact: Bradley, Catherine M.

- * ITEM-112: Settlement of the property damage claim of XL Specialty Insurance Company as subrogee of Surti Developers LLC, dba Super 8 Sea World, Risk Management Claim Number 6980. (Midway Community Area. District 2.)

ITEM DESCRIPTION:

This item seeks approval to pay the subrogation claim of an insurer based on payments to their insured for damages resulting from a water main break on September 27, 2012.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2015-252)

Authorizing the Mayor, or his designee, to pay the sum of \$365,000 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, its agents and employees, arising from the personal injury claim of XL Specialty Insurance Co. v. City of San Diego, et al., San Diego Superior Court Case No. 37-2014-00030786-CU-EI-CTL;

Authorizing the Chief Financial Officer to appropriate and expend \$365,000 from the Water Utility Operating Fund, Fund 700011, 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 a check in the amount of \$365,000, made payable to Cozen O'Connor.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

Settlement amount of \$365,000 will be paid from the Water Utility Operating Fund 700011.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

The item was approved at Closed Session on October 7, 2014.

Bych/Lewis

Primary Contact\Phone: James Coldren\619-236-5598, MS 51B

Secondary Contact\City Attorney\Phone: Kathy J. Steinman\619-533-6458, MS 59

* ITEM-113: Adopting an Amended Conflict of Interest Code for the Defined Contribution Board.

ITEM DESCRIPTION:

This item seeks Adoption of an Amended Conflict of Interest Code for the Defined Contribution Board as part of a required biennial review. The Amendments would include a new position that was not previously designated and add the required filing category, and revise titles of existing positions, as reflected in Appendix A.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2015-115)

Adopting a Conflict of Interest Code for the Defined Contribution Board, consisting of standard language embodied in Title 2, Section 18730 of the California Code of Regulations, and any Amendments to that regulation duly adopted by the Fair Political Practices Commission, with Appendix A showing designated positions and their duties, and Appendix B providing the disclosure categories;

Adopting a copy of the Conflict of Interest Code for the Defined Contribution Board and its Appendix A and Appendix B;

Declaring that the persons whose positions are designated in the Conflict of Interest Code for the Defined Contribution Board shall file their Statements of Economic Interest with the City Clerk in compliance with the schedule set forth in Government Code Section 87302(b) and Fair Political Practices Commission Regulation 18730, or any Amendments thereto, which set forth the deadlines for the filing of Initial Statements, Assuming Office Statements, Annual Statements and Leaving Office Statements;

Declaring that the Statement of Economic Interest filed by designated persons be retained by the Office of the City Clerk and be made available for public inspection and reproduction;

Declaring that the Conflict of Interest Code for the Defined Contribution Board becomes effective upon the date of adoption of this resolution.

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

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS: N/A

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: N/A

Nuesca

Primary Contact\Phone: Gilda Smith\619-236-6549, MS 51B

Secondary Contact\Phone: Nancy Stadille\619-236-6575, MS 51B

City Attorney Contact: Spivak, Sharon B.

* ITEM-114: Adopting an Amended Conflict of Interest Code for the Office of the City Clerk.

ITEM DESCRIPTION:

This item seeks adoption of an Amended Conflict of Interest Code for the Office of the City Clerk as part of a required biennial review. The Amendments add a new position which must be designated, add position duties, and update a disclosure category number in Appendix A, and amend descriptions and add a new disclosure category in Appendix B.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2015-84)

Adopting a Conflict of Interest Code for the Office of the City Clerk , consisting of standard language embodied in Title 2, Section 18730 of the California Code of Regulations, and any Amendments to that regulation duly adopted by the Fair Political Practices Commission, with Appendix A showing designated positions and their duties, and Appendix B showing the disclosure categories;

Adopting a copy of Appendix A and Appendix B to the Conflict of Interest Code for the Office of the City Clerk;

Declaring that the persons whose positions are designated in the Conflict of Interest Code for the Office of the City Clerk shall file their Statements of Economic Interest with the City Clerk in compliance with the schedule set forth in Government Code Section 87302(b), and Fair Political Practices Commission Regulation 18730, or any Amendments thereto, which set forth the deadlines for the filing of Initial Statements, Assuming Office Statements, Annual Statements and Leaving Office Statements;

Declaring, that the Statements of Economic Interest filed by designated persons be retained by the Office of the City Clerk and be made available for public inspection and reproduction;

Declaring, that the Conflict of Interest Code for the Office of the City Clerk becomes effective upon the date of adoption of this resolution.

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

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS: N/A

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: N/A

Nuesca

Primary Contact\Phone: Elizabeth Maland\619-533-4000, MS 2A

Secondary Contact\Phone: Bonnie Stone\619-533-4000, MS 2A

City Attorney Contact: Spivak, Sharon B.

* ITEM-115: Adopting an Amended Conflict of Interest Code for the San Diego Housing Commission.

ITEM DESCRIPTION:

This item seeks adoption of an amended Conflict of Interest Code for the San Diego Housing Commission as part of a required biennial review. The Amendments would revise the titles of positions, and add new positions along with their assigned disclosure categories, with all changes reflected in an amended Appendix A.

SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:

Adopt the following resolution:

(R-2015-117)

Adopting a Conflict of Interest Code for the San Diego Housing Commission, consisting of standard language embodied in Title 2, Section 18730 of the California Code of Regulations, and any Amendments to that regulation duly adopted by the Fair Political Practices Commission, with Appendix A showing designated positions and their duties, and Appendix B showing the disclosure categories;

Adopting a copy of Appendix A and Appendix B to the Conflict of Interest Code for the San Diego Housing Commission;

Declaring that the persons whose positions are designated in the Conflict of Interest Code for the San Diego Housing Commission shall file their Statements of Economic Interest with the City Clerk in compliance with the schedule set forth in Government Code Section 87302(b) and Fair Political Practices Commission Regulation 18730, or any Amendments thereto, which set forth the deadlines for the filing of Initial Statements, Assuming Office Statements, Annual Statements and Leaving Office Statements;

Declaring that the Statement of Economic Interest filed by designated persons be retained by the Office of the City Clerk and be made available for public inspection and reproduction;

Declaring that the Conflict of Interest Code for the San Diego Housing Commission becomes effective upon the date of adoption of this resolution.

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

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS: N/A

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: N/A

Nuesca

Primary Contact\Phone: Rhonda Adato\619-236-9343

Secondary Contact\Phone: Charles Christensen\619-236-9343

City Attorney Contact: Spivak, Sharon B.

* ITEM-116: Adopting a Conflict of Interest Code for the Communications Department.

ITEM DESCRIPTION:

This item seeks adoption of a Conflict of Interest Code for the new Communications Department, which was created by Council resolution to become effective in Fiscal Year 2015.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2015-86)

Adopting a Conflict of Interest Code for the Communications Department, consisting of standard language embodied in Title 2, Section 18730 of the California Code of Regulations, and any Amendments to that regulation duly adopted by the Fair Political Practices Commission, with Appendix A showing designated positions and their duties, and Appendix B showing the disclosure categories;

Adopting a copy of Appendix A and Appendix B to the Conflict of Interest Code for the Communications Department be placed on file in the Communications Department;

Declaring that the persons whose positions are designated in the Conflict of Interest Code for the Communications Department shall file their Statements of Economic Interest with the City Clerk in compliance with the schedule set forth in Government Code Section 87302(b) and Fair Political Practices Commission Regulation 18730, or any Amendments thereto, which set forth the deadlines for the filing of Initial Statements, Assuming Office Statements, Annual Statements and Leaving Office Statements;

Declaring that the Statements of Economic Interest filed by designated persons be retained by the City Clerk and be made available for public inspection and reproduction;

Declaring that the Conflict of Interest Code for the Communications Department becomes effective upon the date of adoption of this resolution.

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

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS: N/A

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: N/A

Nuesca

Primary Contact\Phone: Stacey LoMedico\619-533-4548, MS 9A
Secondary Contact\Phone: Ulysses Panganiban\619-235-5715, MS 8A
City Attorney Contact: Spivak, Sharon B.

- * ITEM-117: Adopting an Amended Conflict of Interest Code for the Public Works Department, Engineering and Capital Projects Division.

ITEM DESCRIPTION:

This item seeks adoption of an amended Conflict of Interest Code for the Public Works Department, Engineering and Capital Projects Division, as part of a required biennial review. The Amendments would add new positions which must be designated and their corresponding disclosure categories.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2015-110)

Adopting a Conflict of Interest Code for the Public Works Department, Engineering and Capital Projects Division, consisting of standard language embodied in Title 2, Section 18730 of the California Code of Regulations, and any Amendments to that regulation duly adopted by the Fair Political Practices Commission, with Appendix A showing designated positions and their duties, and Appendix B showing the disclosure categories;

Adopting a copy of Appendix A and Appendix B to the Conflict of Interest Code for the Public Works Department, Engineering and Capital Projects Division be placed on file in the Office of the City Clerk;

Declaring that the persons whose positions are designated in the Conflict of Interest Code for the Public Works Department, Engineering and Capital Projects Division shall file their Statements of Economic Interest with the City Clerk in compliance with the schedule set forth in Government Code Section 87302(b) and Fair Political Practices Commission Regulation 18730, or any Amendments thereto, which set forth the deadlines for the filing of Initial Statements, Assuming Office Statements, Annual Statements and Leaving Office Statements;

Declaring that the Statements of Economic Interest filed by designated persons be retained by the Office of the City Clerk and be made available for public inspection and reproduction;

Declaring that the Conflict of Interest Code for the Public Works Department, Engineering and Capital Projects Division becomes effective upon the date of adoption of this resolution.

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

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS: N/A

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: N/A

Nuesca

Primary Contact\Phone: James Nagelvoort\619-533-5100, MS 9A

Secondary Contact\Phone: Rimah Khouri\619-533-3172, MS 611

City Attorney Contact: Spivak, Sharon B.

- * ITEM-118: Adopting an Amended Conflict of Interest Code for the Community Parking District Advisory Boards.

ITEM DESCRIPTION:

This item seeks adoption of an amended Conflict of Interest Code for the Community Parking District Advisory Boards. The Amendments would change the titles of City staff in a disclosure category related to consultants, due to reorganization of the department.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2015-114)

Adopting a Conflict of Interest Code for the Community Parking District Advisory Boards, consisting of standard language embodied in Title 2, Section 18730 of the California Code of Regulations, and any Amendments to that regulation duly adopted by the Fair Political Practices Commission, with Appendix A showing designated positions and their duties, and Appendix B showing the disclosure categories;

Adopting a copy of Appendix A and Appendix B to the Conflict of Interest Code for the Community Parking District Advisory Boards;

Declaring that the persons whose positions are designated in the Conflict of Interest Code for the Community Parking District Advisory Boards shall file their Statements of Economic Interest with the City Clerk in compliance with the schedule set forth in Government Code Section 87302(b) and Fair Political Practices Commission Regulation 18730, or any Amendments thereto, which set forth the deadlines for the filing of Initial Statements, Assuming Office Statements, Annual Statements and Leaving Office Statements;

Declaring that the Statements of Economic Interest filed by designated persons be retained by the Office of the City Clerk and be made available for public inspection and reproduction;

Declaring that the Conflict of Interest Code for the Community Parking District Advisory Boards becomes effective upon the date of adoption of this resolution.

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

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS: N/A

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: N/A

Nuesca

Primary Contact\Phone: Meredith Dibden Brown\619-236-6485

City Attorney Contact: Spivak, Sharon B.

* ITEM-119: Adopting an Amended Conflict of Interest Code for the Transportation and Storm Water Department.

ITEM DESCRIPTION:

This item seeks adoption of an amended Conflict of Interest Code for the Transportation and Storm Water Department as part of a required biennial review. The Amendments would include new positions, update required filing categories for each position, and remove a position now more appropriately included in another department's code.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2015-113)

Adopting a Conflict of Interest Code for the Transportation and Storm Water Department, consisting of standard language embodied in Title 2, Section 18730 of the California Code of Regulations, and any Amendments to that regulation duly adopted by the Fair Political Practices Commission, with Appendix A showing designated positions and their duties, and Appendix B showing the disclosure categories;

Adopting a copy of Appendix A and Appendix B to the Conflict of Interest Code for the Transportation and Storm Water Department;

Declaring that the persons whose positions are designated in the Conflict of Interest Code for the Transportation and Storm Water Department shall file their Statements of Economic Interest with the City Clerk in compliance with the schedule set forth in Government Code Section 87302(b) and Fair Political Practices Commission Regulation 18730, or any Amendments thereto, which set forth the deadlines for the filing of Initial Statements, Assuming Office Statements, Annual Statements and Leaving Office Statements;

Declaring that the Statements of Economic Interest filed by designated persons be retained by the Office of the City Clerk and be made available for public inspection and reproduction;

Declaring that the Conflict of Interest Code for the Transportation and Storm Water Department becomes effective upon the date of adoption of this resolution.

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

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS: N/A

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: N/A

Nuesca

Primary Contact\Phone: Anthony Chadwick\858-541-4308, MS 1900, 2116

Secondary Contact\Phone: Kris McFadden\619-236-6594, MS 9A, 2116

City Attorney Contact: Spivak, Sharon B.

- * ITEM-120: Adopting an Amended Conflict of Interest Code for the Office of ADA Compliance and Accessibility.

ITEM DESCRIPTION:

This item seeks adoption of an amended Conflict of Interest Code for the Office of ADA Compliance and Accessibility as part of a required biennial review. The Amendments reflect the department's name change from Disability Services to the Office of ADA Compliance and Accessibility, and clean up language in the appendices.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2015-221)

Adopting a Conflict of Interest Code for the Office of ADA Compliance and Accessibility, consisting of standard language embodied in Title 2, Section 18730 of the California Code of Regulations, and any Amendments to that regulation duly adopted by the Fair Political Practices Commission, with Appendix A showing designated positions and their duties, and Appendix B showing the disclosure categories;

Adopting a copy of Appendix A and Appendix B to the Conflict of Interest Code for the Office of ADA Compliance and Accessibility as adopted be placed on file in the Office of the City Clerk;

Declaring that the persons whose positions are designated in the Conflict of Interest Code for the Office of ADA Compliance and Accessibility shall file their Statements of Economic Interest with the City Clerk in compliance with the schedule set forth in Government Code Section 87302(b) and Fair Political Practices Commission Regulation 18730, or any Amendments thereto, which set forth the deadlines for the filing of Initial Statements, Assuming Office Statements, Annual Statements and Leaving Office Statements;

Declaring that the Statements of Economic Interest filed by designated persons be retained by the Office of the City Clerk and be made available for public inspection and reproduction;

Declaring that the Conflict of Interest Code for the Office of ADA Compliance and Accessibility becomes effective upon the date of adoption of this resolution.

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

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS: N/A

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: N/A

Nuesca

Primary Contact\Phone: Thyme Curtis\619-236-5985, MS, 56G

Secondary Contact\Phone: Mary Wolford\619-236-7246, MS 56G

City Attorney Contact: Spivak, Sharon B.

- * ITEM-121: Resolution excusing Councilmember Emerald from Meetings of the Council and the Economic Development and Intergovernmental Relations Committee due to illness.

COUNCILMEMBER EMERALD'S RECOMMENDATION:

Adopting the following resolution:

(R-2015-247)

Excusing Councilmember Marti Emerald from attending the Council meetings of October 20, 2014, and October 28, 2014, and the meeting of the Economic Development and Intergovernmental Relations Committee on October 22, 2014, due to illness.

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

- * ITEM-122: 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-2015-174)

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-123: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2015-207)

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

RESOLUTIONS:

ITEM-330: Point Loma Wastewater Treatment Plant - National Pollutant Discharge Elimination System (NPDES) Permit Application. (Citywide.)

ITEM DESCRIPTION:

Approval of the Mayor's proposal to submit the renewal application for a modified National Pollutant Discharge Elimination System (NPDES) Permit for the Point Loma Wastewater Treatment Plant and authorization to enter into a Cooperative Agreement between the City of San Diego and San Diego Coastkeeper, Surfrider Foundation San Diego Chapter, Coastal Environmental Rights Foundation, and the San Diego Audubon Society in support of the Point Loma (NPDES) Permit and Pure Water San Diego.

STAFF'S RECOMMENDATION

Adopt the following resolution:

(R-2015-183)

Approving the City's proposed application to renew the National Pollutant Discharge Elimination System (NPDES) permit for the Point Loma Wastewater Treatment Plant;

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City, the Cooperative Agreement with San Diego Coastkeeper, the San Diego County Chapter of Surfrider Foundation, the Coastal Environmental Rights Foundation, and the San Diego Audubon Society.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

Not applicable at this time. Any future expenditure of funds related to the Point Loma Wastewater Treatment Plant - National Pollutant Discharge Elimination System (NPDES) Permit Application or Pure Water San Diego will require future council approval.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

- On July 17, 2012, the City Council accepted (R-307584) the Recycled Water Study.
- On April 23, 2013, the City Council accepted (R-308121) the Water Purification Demonstration Project Report.
- On April 29, 2014, the City Council (R-308906) adopted a resolution in support of Pure Water San Diego.
- This item was heard at the Environment Committee meeting October 8, 2014.

ACTION: Motion by Councilmember Harris, second by Chair Alvarez, to forward staff recommendation to full City Council with no recommendation from the Environment Committee and that prior to the item being considered by the City Council, the Council President docket an item that would allow the City Council to take action to confirm the City's eligibility for State Revolving Fund loans and other State funding. Additionally, direct the Public Utilities Department to provide the City Council with projections for rates beyond 2020 at the hearing where this item will be considered.

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

Public Utilities will present projections at Council.

Sasaki/Heinrichs

Primary Contact\Phone: Ann Sasaki\858-292-6402, MS 901A
Secondary Contact\Phone: Brent Eidson\858-654-4173, MS 901A
City Attorney Contact: Zeleny, Thomas C.

ADOPTION AGENDA, DISCUSSION, HEARINGS

NOTICED HEARINGS:

ITEM-331: The La Mirage Apartments, Project No. 346480. (Tierrasanta Community Plan Area. District 7.)

ITEM DESCRIPTION:

Actions would approve the vacation of Ambrosia Drive and Reflection Drive and approve a Planned Development Permit to allow deviations to building height, sign regulations, horizontal width of storage areas and separation of driveway requirements.

STAFF'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2015-236)

Adoption of a Resolution vacating Ambrosia Drive and Reflection Drive public right-of-ways in connection with the La Mirage Planned Development Permit as more particularly described in the legal description marked as Exhibit "A," and shown on Drawing No. 37842-1-B marked as Exhibit "B," which said drawing is attached hereto and made a part hereof;

Declaring that the General Utilities Easement reserved herein is in, under, over, upon, along and across those portions of Ambrosia Drive and Reflection Drive vacated by this Resolution and as more particularly described in the legal description marked as Exhibit "A" and shown on Drawing No. 37842-1-B, marked as Exhibit "B;"

Directing 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-B: (R-2015-235)

Adoption of a Resolution approving Planned Development Permit (PDP) No. 1212413 for the La Mirage Development, Project No. 346480, amending Planned Residential Development (PRD) No. 98-0786;

Certifying the following findings with respect to PDP No. 1212413, which are supported by the minutes, maps and exhibits, all of which are incorporated herein by this reference;

Granting PDP No. 1212413, amending PRD No. 98-0786 to La Mirage Apartments, LLC, Owner/Permittee, approved under the terms and conditions set forth in the Planned Development Permit which is made part of this Resolution;

Directing Development Services Departments to record a certified copy of this Resolution, 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.

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: None with this action.

Tomlinson\Chadwick\md

Primary Contact\Phone: Morris Dye\619-446-5201, MS 501
Secondary Contact\Phone: Sandra Teasley\619-446-5271, MS 501
City Attorney Contact: Goodman, Jenny K.

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT