

# CITY OF SAN DIEGO COUNCIL DOCKET



## COUNCIL PRESIDENT

**Sherri Lightner • First District**

## COUNCILMEMBERS

**Lorie Zapf • Second District**  
**Todd Gloria • Third District**  
**Myrtle Cole • Fourth District**  
**Mark Kersey • Fifth District**  
**Chris Cate • 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, December 16, 2014**  
**10:30 AM (Rev. 12/12/14)**

**AGENDA FOR THE  
REGULAR COUNCIL MEETING OF  
TUESDAY, DECEMBER 16, 2014, AT 10:30 AM (Rev. 12/12/14)  
CITY ADMINISTRATION BUILDING  
COUNCIL CHAMBERS – 12<sup>TH</sup> FLOOR  
202 “C” STREET  
SAN DIEGO, CA 92101**  
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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. 12/12/14)**

**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:

11/03/2014 - Adjourned  
11/04/2014 - Adjourned  
11/10/2014 - Special 9:00 am  
11/10/2014 - 1:00 pm  
11/11/2014 – Adjourned

**PROCLAMATIONS/CEREMONIAL ITEMS**

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

ITEM-30: Alex Honoré Day.

**PRESENTED BY COUNCILMEMBER SHERMAN:**

Proclaiming December 16, 2014, to be “Alex Honoré Day” in the City of San Diego.

ITEM-31: Grace A. Kojima Day.

**PRESENTED BY COUNCILMEMBER ALVAREZ:**

Proclaiming December 16, 2014, to be “Grace A. Kojima 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: Amendment to Rule 4.2 of the Permanent Rules of Council.

**ITEM DESCRIPTION:**

Amend Section 4.2 of the Permanent Rules of Council.

**STAFF'S RECOMMENDATION:**

Introduce the following ordinance:

(O-2015-59)

Introduction of an Ordinance amending Chapter 2, Article 2, Division 1, of the San Diego Municipal Code, by amending Section 22.0101, relating to selection of the Council President.

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

**STAFF SUPPORTING INFORMATION:**

FISCAL CONSIDERATIONS: N/A

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

This item was heard and passed unanimously at the November 19, 2014, Economic Development and Intergovernmental Relations Committee meeting.

**ACTION:** Motion by Councilmember Emerald, second by Councilmember Kersey, to request that the City Attorney's Office prepare an Ordinance to be brought forward to full City Council amending Section 4.2 of the Permanent Rules of Council to state that the selection of the Council President will occur on or after the tenth day of December.

**VOTE:** 5-0; Lighter-yea, Harris-yea, Kersey-yea, Alvarez-yea, Emerald-yea.

Smith

Primary Contact\Phone: Mo Kantner\619-533-5906 (Rev. 12/12/14)  
City Attorney Contact: Bradley, Catherine M.

\* ITEM-51: Amendments to San Diego Municipal Code to Conform to Charter Amendments relating to Elected Officers' Term of Office and Filling Vacancies in Elective Office.

**ITEM DESCRIPTION:**

Adopt an ordinance amending the San Diego Municipal Code to conform the City's election procedures to Charter Amendments approved by voters on June 3, 2014.

**CITY ATTORNEY'S RECOMMENDATION:**

Introduce the following ordinance:

(O-2015-61)

Introduction of an Ordinance amending Chapter 2, Article 7, of the San Diego Municipal Code by amending Division 1, Section 27.0116; by amending Division 7, Sections 27.0701, 27.0705, 27.0706, and 27.0709; by amending Division 8, Sections 27.0801, 27.0802, 27.0803, 27.0804, and 27.0806; and by amending Division 9, Sections 27.0902, 27.0906, and 27.0907; all relating to Elections.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:** N/A

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

This item was heard at the Economic Development and Intergovernmental Relations Committee meeting on November 19, 2014.

**ACTION:** Motion by Councilmember Kersey, second by Councilmember Emerald, to forward the proposed Amendments to the Municipal Code to full Council with a recommendation for approval.

**VOTE:** 5-0; Lighter-yea, Harris-yea, Kersey-yea, Alvarez-yea, Emerald-yea.

Bamberg

Primary Contact\City Attorney\Phone: Catherine M. Bradley\619-533-5832

\* ITEM-52: Talbot Street Slope Restoration - Third Amendment to the Consultant Agreement with W.G. Zimmerman Engineering, Inc. (Peninsula Community Area. District 2.)

**ITEM DESCRIPTION:**

Executing the Third Amendment to the Agreement with W.G. Zimmerman Engineering Inc., for Construction Support services for the Talbot Street Slope Restoration Project. This Project was designed to reinforce the slope by constructing a soil nail wall to support the slope where erosion has occurred, re-route the utilities, and provide landscaping.

**STAFF'S RECOMMENDATION:**

Introduce the following ordinance:

(O-2015-46)

Introduction of an Ordinance authorizing the Mayor, or his designee, to execute a Third Amendment to the Agreement with W.G. Zimmerman Engineering, Inc., for additional design services and construction support for the Project, under the terms and conditions set forth in the Agreement, in an additional amount not to exceed \$267,404, for a total contract amount of \$3,672,435, 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 expend an amount not to exceed \$267,404, from CIP S-00609, Talbot Street Slope Restoration, Fund 400169, Transnet, for the purpose of executing this Amendment to the Agreement;

Certifying that the information contained in Project No. 92925 has been completed in compliance with the California Environmental Quality Act (CEQA) and State CEQA Guidelines, and that the Negative Declaration reflects the independent judgment of the City of San Diego as Lead Agency;

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:**

Funding for this action \$267,404 is currently available in CIP WBS S-00609, Fund 400169, Transnet. With this action the total consultant contract will be increased to \$660,375.70.

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

- The Original Contract with W.G. Zimmerman Engineering, Inc., was executed on May 3, 2007. The First Amendment was executed on March 7, 2008. The Second Amendment was executed on June 2, 2009.
- This item was heard at the Infrastructure Committee meeting on September 17, 2014.

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

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

Nagelvoort/Heinrichs

Primary Contact\Phone: Jamal Batta\619-533-7482, MS 908A

Secondary Contact\Phone: Jason Guise\619-533-4665, MS 908A

City Attorney Contact: Gerrity, Ryan P.

\* ITEM-53: Request to Exempt a Program Coordinator Position in the Department of Information Technology from the Classified Service.

**ITEM DESCRIPTION:**

This action is to exempt one Program Coordinator position from the Classified service in the Department of Information Technology. The Program Coordinator position will be responsible for supporting the Financial Management Public Budget Formulation (PBF) module within SAP.

**STAFF'S RECOMMENDATION:**

Introduce the following ordinance:

(O-2015-54)

Introduction of an Ordinance declaring that the Council has received and reviewed a Memorandum from Personnel Director Hadi Dehghani, dated November 6, 2014, which documents that, on November 5, 2014, the City's Civil Service Commission reviewed and favorably commented on a proposal from the Department to exempt from the City's Classified Service one Program Coordinator position in the Department. The Program Coordinator will be responsible for identifying gaps and potential improvements in the PBF module. The Program Coordinator will also be responsible for developing a technical and functional roadmap to improve and maintain PBF, coordinating and testing PBF enhancements and configurations, validating PBF data, recommending policy and procedural changes, and recommending solutions to PBF issues;

Declaring that pursuant to Charter Section 117(a)(17), with the Civil Service Commission's review and approval, the Council now exempts from the Classified Service and declares to be in the Unclassified Service of the City one Program Coordinator position in the Department, performing the duties set forth in the November 6, 2014, Memorandum from Personnel Director Hadi Dehghani to the Honorable Council President and City Council.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

Position included in the Fiscal Year 2015 Budget by leveraging available funds from vacant position salary savings from the Department of Information Technology. The position has been requested as a new FTE addition within the FY16 Budget.

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

Behnke/Villa

Primary Contact\Phone: Michelle Villa\619-236-6610

Secondary Contact\Phone: Jonathan Behnke\619-533-3637

City Attorney Contact: Dawson, Joan F.

\* ITEM-54: Authorization to Terminate Lease of Turfed Field and Recreation Facilities at Washington Elementary School Site. (Downtown Community Area. District 3.)

**ITEM DESCRIPTION:**

The San Diego Unified School District (SDUSD) has requested that the City authorize the termination of the Twenty-Five Year Lease Agreement, for Recreational Operations and Maintenance of Amici Park/Washington Elementary School. This lease was approved by City Council in October 1993, and expires in June 2018. The SDUSD, along with the Little Italy Association (LIA), plans to develop the joint use area to include a dog park, a restroom, and other amenities. The SDUSD and LIA propose to continue using the area as public space. However, the City's obligation to maintain and operate the area will be terminated.

**STAFF'S RECOMMENDATION:**

Introduce the following ordinance:

(O-2015-60)

Introduction of an Ordinance authorizing the Lease Termination Agreement regarding the Turfed Field and Recreation Facilities at Washington Elementary School. Finding that the proposal by the District, to keep the Leased Property open to the general public, the Little Italy Association (LIA) proposal to install further Park and Recreation amenities on the Leased Property, and an annual savings to the City's General Fund of approximately \$78,519, with the early termination of the Lease Agreement, will serve public purposes of the City and are in the best interest of the City;

Authorizing and directing the Mayor, or his designee, to execute, for and on behalf of City, the Lease Termination Agreement.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

Should the proposed action be adopted, the currently budgeted 0.30 Grounds Maintenance Worker II position, and the other personnel and non-personnel expenses associated with the Maintenance and Operations at Amici Park, equivalent to \$78,519 annually, can be re-allocated to other Park and Recreation facilities within the Downtown/Centre City Community Planning Downtown Area, further showing the public benefit to terminating the lease prior to its expiration.

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

- October 25, 1993, (O-18001) Agreement for the Construction, Operation, Maintenance, and Lease of Turfed Field and Recreation Facilities at Washington Elementary.
- March 30, 1994, (R-10859) Agreement for Joint Use and Maintenance of Property Acquired for Expansion of Washington Elementary School Site.
- This item was heard at the Public Safety and Livable Neighborhoods Committee meeting on November 13, 2014.

**ACTION:** Motion by Councilmember Cole, second by Councilmember Emerald, to approve and forward to City Council.

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

Field/Graham

Primary Contact\Phone: Kathy Ruiz\619-235-1130, MS 32

Secondary Contact\Phone: Shelly Stowell\619-235-1151, MS 32

City Attorney Contact: Mendoza, Hilda R.

- \* ITEM-55: Lease - City of San Diego and Aardema Family Limited Partnership, a California Limited Partnership, for office and industrial building at 411 Raven St., San Diego, CA 92102. (District 4.)

**ITEM DESCRIPTION:**

This action is to approve a new, updated five (5) year lease contract with a Purchase Option with Aardema Family Limited Partnership, a California Limited Partnership, at 411 Raven Street currently occupied by the Park & Recreation Department. The new lease will allow Park & Recreation to extend for 5 years. New, lower rent will be retroactive to June 1, 2014.

**STAFF'S RECOMMENDATION:**

Introduce the following ordinance:

(O-2015-63)

Introduction of an Ordinance authorizing and directing the Mayor, or his designee, to execute, for and on behalf of the City, that certain Lease Agreement between the City, as lessee, and Aardema Family Limited Partnership, a California Limited Partnership, as landlord, for the lease of the real property located at 411 Raven Street, San Diego, California;

Authorizing the Chief Financial Officer to appropriate and expend funds up to \$1,504,622 for rent and other amounts required by the subject Lease, from General Fund 100000.

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

**STAFF SUPPORTING INFORMATION**

**FISCAL CONSIDERATIONS:**

This action will authorize a total expenditure of \$1,504,622 for rent, property taxes and property insurance, excluding utilities, by the City for a five year office and industrial lease commencing June 1, 2014, and terminating on May 31, 2019, with Aardema Family Limited Partnership, a California Limited Partnership, as follows:

FY15: \$284,400

FY16: \$292,428

FY17: \$300,687

FY18: \$309,183

FY19: \$317,924

The monthly Base Rent shall increase annually by a fixed three percent (3%), calculated on a cumulative and compounding basis.

Park & Recreation continues to pay separately for all utilities, general repairs and maintenance items as required by the lease.

The rent has been negotiated to a lower rate resulting in a \$67,000 savings to the City's General Fund for FY15 alone. Savings will continue at these levels each fiscal year over the 5-year lease term based upon the last year's rent prior to this new 5-year lease.

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

This item was heard at the Smart Growth and Land Use Committee meeting on November 20, 2014.

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

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

Geitz/Villa

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

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

City Attorney Contact: Fonseca, Jeremy M.

**ADOPTION AGENDA, CONSENT ITEMS  
RESOLUTIONS:**

\* ITEM-100: Accepting Funds for Bus Stop Improvements. (Citywide.)

**ITEM DESCRIPTION:**

The City receives a portion of the revenues from advertising on bus benches and bus shelters on City streets through a program administered by the San Diego Metropolitan Transit System (MTS). This action authorizes expenditure of an additional \$46,080.08 for street capital improvements near bus stops.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2015-259)

Authorizing the Chief Financial Officer to increase in the Fiscal Year 2015 Capital Improvements Program Budget in CIP A-ID.00007, Annual Allocation - Bus Stop Improvements, Fund 400691 Bus Stop Capital Improvements;

Authorizing the Chief Financial Officer to appropriate and expend an amount not to exceed \$46,080.08 from CIP A-ID.00007, Annual Allocation - Bus Stop Improvements, Fund 400691 Bus Stop Capital Improvements, for the purpose of capital improvements in support of bus tops.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

This action authorizes the expenditure of \$46,080.08 for capital improvements in support of bus stops. The revenue is from advertising on bus benches and bus shelters.

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

This item was heard at the Infrastructure Committee meeting on November 12, 2014.

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

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

Helminski/Heinrichs

Primary Contact\Phone: Stephen Celniker\619-533-3611, MS 609  
Secondary Contact\Phone: Linda Marabian\619-533-3082, MS 609  
City Attorney Contact: Gerrity, Ryan P.

- \* ITEM-101: Authorize execution of the Second Amendment to the Agreement with Hawthorne Machinery Co., for the Lease of Heavy Duty Wheel Tractor Push-Pull Scrapers With Full Maintenance.

**ITEM DESCRIPTION:**

These actions will authorize the Second Amendment to the Agreement between Hawthorne Machinery Co., and the City of San Diego for the lease of heavy duty push-pull scrapers for use at the Miramar Landfill and Greenery. The push-pull scrapers are necessary for hauling dirt and greenery materials at the landfill.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2015-243)

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City, a Second Amendment to the Agreement with Hawthorne Machinery Co., for the lease of heavy duty wheel tractor push-pull scrapers with full maintenance for the period beginning retroactive to August 23, 2014 through August 22, 2015, under the terms and conditions set forth in the Second Amendment;

Authorizing the Chief Financial Officer to appropriate and expend an amount not to exceed \$500,000 from Refuse Disposal Fund No. 700039, solely and exclusively, to provide funds for the Second Amendment, provided that the City Comptroller first furnishes one or more certificates demonstrating that the funds necessary for this expenditure are, or will be, on deposit with the City Treasurer.

**STAFF SUPPORTING INFORMATION**

**FISCAL CONSIDERATIONS:**

The per hour rate for the Lease of one heavy push-pull scraper is \$282.67 per hour of use with a minimum requirement of 1,200 hours per year. To date, Environmental Services Department (ESD) has been authorized to expend \$950,000. This Second Amendment for \$500,000 requires City Council approval because the total value will exceed \$1 million.

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

This item was heard at the Environment Committee on November 12, 2014.

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

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

Sierra/Heinrichs

Primary Contact\Phone: Meghan Cannis\858-492-5009, MS 1103B  
Secondary Contact\Phone: Stephen Grealy\858-573-1275, MS 1103A  
City Attorney Contact: Guy, Amanda L.

\* ITEM-102: Grant Agreements with California Department of Public Health (CDPH) for Lead Enforcement Supplemental Funding as Sub-grantee of County of San Diego.

**ITEM DESCRIPTION:**

The Environmental Services Department (ESD) is seeking Council authorization to accept Grant Funds from the California Department of Public Health (CDPH) via the County of San Diego, in connection with the “Lead Enforcement Supplemental Funding for FY 2015” and the “Lead Enforcement Supplemental Funding for FY 2016 - 2017,” for purposes of performing lead enforcement to eliminate lead hazards and assisting other local enforcement programs in the County of San Diego to develop lead enforcement programs. CDPH is requiring the City to subcontract through the County of San Diego to receive the funds.

**STAFF'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2015-313)

Authorizing the Mayor, or his designee, to execute a Second Amendment to the Agreement with the County of San Diego, as sub-grantee, to extend its term for the period from January 1, 2015, through June 30, 2015, under the terms and conditions set forth in the Second Amendment, and to accept grant funding from the California Department of Public Health in the amount of \$84,432 in connection with the Lead Enforcement Supplemental Funding for Fiscal Year 2015, to perform lead hazard enforcement and assist other local enforcement programs in the County of San Diego to develop lead hazard enforcement programs;

Authorizing the Mayor, or his designee, to negotiate and execute an Agreement with the County of San Diego, as sub-grantee, for the period of July 1, 2015, through July 1, 2017, and to accept the two year Grant Funding from the California Department of Public Health in the amount of \$337,728 in connection with the Lead Enforcement Supplemental Funding for Fiscal Years 2016 - 2017, to perform lead hazard enforcement and assist other local enforcement programs in the County of San Diego to develop lead hazard enforcement programs;

Authorizing the Chief Financial Officer to accept, appropriate, and expend \$84,432 in Grant Funds from the California Department of Public Health for the Lead Enforcement Supplemental Funding Fiscal Year 2015 from Fund No. 600002, Grant Fund - Other, contingent upon execution by the Mayor, or his designee, of the above-referenced Second Amendment to the Grant Agreement with the County of San Diego;

Authorizing the Chief Financial Officer to accept, appropriate, and expend \$337,728 in Grant Funds from the California Department of Public Health for the Lead Enforcement Supplemental Funding Fiscal Years 2016 - 2017 from Fund No. 600002, Grant Fund - Other, contingent upon execution by the Mayor, or his designee, of a Grant Agreement;

Authorizing the Mayor, or designee, to take all necessary action to develop, advertise, negotiate, award and execute contracts with third parties to implement the Grant Agreements.

Subitem-B: (R-2015-314)

Determining that the Project is categorically exempt from California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15301 and 15321;

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

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

The Grant Contract Amendment for the period of January 1, 2015, to June 30, 2015, provides \$84,432 in funding. The future Grant Agreement for the period of July 1, 2015, to June 30, 2017, will provide \$168,864 per year, for a two-year total not to exceed \$337,728. There are no matching fund requirements but California Department of Public Health (CDPH) caps the overhead reimbursement at a 15% indirect rate of wages and fringe benefits. With the FY 2015 rate for Environmental Services Department (ESD) at 60.1%, in the FY 2015, January 1 to June 30, the State will pay for \$9,808 of the overhead and the Lead Safety and Healthy Home Program's (LSHHP) Budget will fund \$15,383 of the overhead. For the two year period for FY 2016 to FY 2017, the State will pay \$19,616 of the overhead and LSHHP's Budget will fund \$30,765 of the overhead. LSHHP is in the General Fund.

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

Council previously approved the acceptance of CDPH lead enforcement funds in FY 2004, FY 2008 and FY 2012.

Sierra/Heinrichs

Primary Contact\Phone: Alan Johanns\858-573-1262, MS 1103A

Secondary Contact\Phone: David Weil\858-492-6001, MS 1103A

City Attorney Contact: Guy, Amanda L.

- \* ITEM-103: Acceptance of the U.S. Department of Housing and Urban Development (HUD) Lead-Based Paint Hazard Control (LBPHC) Grant and Execution of Grant Agreement.

**ITEM DESCRIPTION:**

This action is to accept, appropriate and expend funding in the amount of \$3.4 million from the U.S. Department of Housing and Urban Development (HUD), Lead-Based Paint Hazard Control Grant (LBPHC). The funding will provide for programs to identify and control lead-based paint hazards in eligible privately owned rental or owner-occupied housing.

**STAFF'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2015-306)

Authorizing the Mayor, or his designee, for and on behalf of the City, to accept grant funding from the U.S. Department of Housing and Urban Development (HUD), in the amount of \$3,400,000 under the Lead-Based Paint Hazard Control Grant Program (Grant), for purposes of identifying and controlling lead hazards and other multiple residential health and safety hazards, and to negotiate, execute, and comply with the Agreement with HUD for the Grant;

Authorizing the Chief Financial Officer to appropriate and expend an amount not to exceed \$3,400,000 from Fund No. 600000, Grant Fund - Federal, Cost Center No. 2115111112, for purposes of identifying and controlling lead hazards and other multiple residential health and safety hazards, contingent upon receipt of a fully-executed Grant Agreement;

Authorizing the Mayor, or designee, to take all necessary action to administer, monitor, and manage the Grant Agreement with Housing and Urban Development (HUD), and when required, develop, advertise, negotiate and award contracts to third parties to implement the Grant Agreement.

Subitem-B: (R-2015-307)

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

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

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

This 36-month HUD Grant Award is for \$3,400,000 and of that amount, \$1,444,411 is budgeted for Environmental Services Department (ESD) staff to manage and implement the grant. There is no new staff required for this grant. The City's match amount of \$337,332 is for labor, fringe, and overhead costs that exceed the HUD 10% Administrative Cap over the 36-month Grant Period and will come out of the Lead Safety and Healthy Homes budget (LSHHP). LSHHP is General Fund.

Environmental Health Coalition is the only paid sub-grantee with a Budget of \$207,141. Environmental Health Coalition (EHC) is providing a match to the Grant of \$50,000.

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

None.

Sierra/Heinrichs

Primary Contact\Phone: Alan Johanns\858-573-1262, MS 1103A

Secondary Contact\Phone: Dave Weil\858-492-6001, MS 1103A

City Attorney Contact: Guy, Amanda L.

\* ITEM-104: Redesignation and Expansion of the North San Diego County Recycling Market Development Zone.

**ITEM DESCRIPTION:**

The redesignation or renewal of the North San Diego County Recycling Market Development Zone is required so that the northern communities of the City of San Diego, and the cities of Carlsbad, Del Mar, Escondido, Oceanside, Poway, San Marcos, Solana Beach, and Vista; and the County of San Diego may remain active participants in the California Department of Resources, Recycling and Recovery's (CalRecycle) Recycling Market Development Zone Program (RMDZ). This resolution is in support of the County of San Diego as the administrator of the RMDZ.

**STAFF'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2015-273)

Approving the submittal of the application to California Department of Resources, Recycling and Recovery's (CalRecycle) to renew and expand the North San Diego County Recycling Market Development Zone Program (RMDZ) to include not only those areas currently in that zone but also to include the Cities of Encinitas and Santee, and northern and eastern portions of unincorporated San Diego County that were not previously included in the zone;

Agreeing to administer the North San Diego County RMDZ Program in a manner that seeks to ensure the fair treatment of people of all races, cultures and incomes, including but not limited to soliciting public participation in all communities within that zone in a manner that includes minority and low-income populations.

Subitem-B: (R-2015-272)

Declaring that the City Council of the City of San Diego, as a responsible agency under California Environmental Quality Act (CEQA), has reviewed and considered the information in the Negative Declaration and Addendum, has considered the environmental effects of the Project as shown in the Negative Declaration and Addendum, and that the information contained therein reflects the independent judgment of the City of San Diego;

Declaring that the information contained in the Negative Declaration and Addendum thereto has been reviewed and considered by this City Council prior to making a decision on the Project;

Declaring that there are no substantial changes proposed to the Project and no substantial changes with respect to the circumstances under which the Project is to be undertaken that would require major revisions to the Negative Declaration for the Project;

Declaring that no new information of substantial importance has become available showing that the Project would have any significant effects not discussed previously in the Negative Declaration, or that any significant effects previously examined will be substantially more severe than shown in the Negative Declaration;

Declaring that pursuant to CEQA Guidelines Section 15164, the City Council adopts the Addendum to the Negative Declaration with respect to the Project.

**STAFF SUPPORTING INFORMATION:**

FISCAL CONSIDERATIONS: N/A

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

- November 15, 1993 - City Council adopted Resolution R-282992, for the submittal of the application to develop this Recycling Market Development Zone Program (RMDZ).
- November 8, 2004 - City Council adopted Resolution R-299780, for the submittal of the application for the redesignation of this RMDZ, and Resolution R-299781, certifying Negative Declaration SCH 2004091023; Project No. - 48148.
- This item was heard at the Environment Committee on November 12, 2014.

ACTION: Motion by Councilmember Harris, second by Chair Alvarez, and was forwarded to the full City Council for approval.

VOTED: Alvarez-yea, Harris-yea, Zapf-yea, Emerald-not present.

Greenhalgh/Heinrichs

Primary Contact\Phone: Ken Prue\858-492-5085, MS 1103B

Secondary Contact\Phone: Meghan Cannis\858-492-5009, MS 1003B

City Attorney Contact: Guy, Amanda L.

\* ITEM-105: Settlement of *De Anza Cove Homeowners Association Inc., et al v. City of San Diego, et al.*: San Diego Superior Court Case No. GIC821191, Risk Management File No. LP04-0130-0524. (Mission Bay Community Area. District 2.)

**ITEM DESCRIPTION:**

Judgment was entered in favor of the De Anza Cove Homeowners Association (class action) against the City of San Diego in the case known as *De Anza Cove Homeowners Association, Inc., et al. v. City of San Diego, et al.*, San Diego Superior Court Case No. GIC 821191. The Court ruled that the Mobilehome Residency Law requires the City to compensate tenants to mitigate the impact of the closure of the mobile home park. The payment of the judgment will resolve all claims brought by these class members in this lawsuit.

**CITY ATTORNEY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2015-305)

Authorizing the Mayor, or his designee, to pay the sum of \$32,041,657, in judgment as against the City of San Diego, for each and every claim for damages, interest, costs, and fees of any type, including attorney fees, against City of San Diego, its agents and employees, arising from the Amended Judgment dated October 16, 2014, in *De Anza Cove Homeowners Association, Inc., et al. v. City of San Diego, et al.*, San Diego Superior Court Case No. GIC 821191;

Authorizing the Chief Financial Officer to appropriate and transfer \$11,865,000 from the De Anza Operating Fund 200329 to the Public Liability Fund 720045 for the purpose of funding a portion of this action, 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 Chief Financial Officer to transfer \$18,237,158 from the Public Liability Reserve-Contingency Fund 720046 to the Public Liability Fund 720045 for the purpose of funding a portion of this action;

Authorizing the Chief Financial Officer to appropriate and expend \$30,102,158 from the Public Liability Fund, Fund 720045 in Fiscal Year 2015, 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 Chief Financial Officer to appropriate and expend \$1,939,499 from the Public Liability Fund 720045 in Fiscal Year 2016, contingent upon the adoption of the Annual Appropriation Ordinance and contingent upon the Chief Financial Officer furnishing a certificate certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

**SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

Funds will be transferred from the De Anza Operating Fund 200329 (\$11,865,000) and Public Liability Reserve Contingency Fund 720046 (\$18,237,158) to the Public Liability Operating Fund 720045 to fund a portion of this settlement. Judgment amount of \$32,041,657 (\$30,102,158 in Fiscal Year 2015 and \$1,939,499 in Fiscal Year 2016) inclusive of attorneys' fees, interest and costs will be paid from the Public Liability Fund No. 720045.

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

The item was considered in Closed Session on September 17, 2014.

Bamberg

Primary Contact\Phone: John Riley\619-236-7263

Secondary Contact\Phone: Anna Lonergan\619-533-5838

City Attorney Contact: Riley, John

- \* ITEM-106: Appointments and Reappointment to the Managed Competition Independent Review Board.

**MAYOR FAULCONER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2015-302)

Council confirmation of the following appointments and reappointment by the Mayor of the City of San Diego, to serve as members of the Managed Competition Independent Review Board, for terms ending as indicated:

<b><u>NAME</u></b>	<b><u>CATEGORY</u></b>	<b><u>TERM ENDING</u></b>
Gerry Widmer (College Area, District 9) (Filling the seat previously held by Charles Kim)	Private Citizen (Business Management)	November 1, 2015
Judith Wenker (Bankers Hill, District 3) (Reappointment)	Private Citizen (Law)	November 1, 2015
Jeff Sturak (North Park, District 3) (Filling the vacancy in the seat previously held by Steve Stroebel)	Private Citizen (Public Administration)	November 1, 2016

- \* ITEM-107: Resolution excusing Councilmember Emerald from the Council Meetings on November 17, 2014 and November 18, 2014, and the Committee on the Environment on November 12, 2014, due to illness.

**COUNCILMEMBER EMERALD'S RECOMMENDATION:**

Adopt the following resolution:

(R-2015-301)

Excusing Councilmember Emerald from the Council Meetings on November 17, 2014 and November 18, 2014, and the Committee on the Environment on November 12, 2014, due to illness.

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

\* ITEM-108: Community Projects, Programs and Services Funding Allocation to Mama's Kitchen for Home-Delivered Meal Service.

**ITEM DESCRIPTION:**

Approval of the funding allocation from Council District 3, along with authorization from the City Council are requested to allow the Mayor, or his designee, to enter into an Agreement with Mama's Kitchen for an amount not to exceed \$5,000 for Home-Delivered Meal Service.

**COUNCIL PRESIDENT GLORIA'S RECOMMENDATION:**

Adopt the following resolution:

(R-2015-311)

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

Waiving the statement in Council Policy 100-06 that provides: "Funds are not permitted to be used for food, beverages, and travel;"

Authorizing and directing the Mayor, or his designee, to execute, for and on behalf of the City, an Agreement with Mama's Kitchen 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 No. 1103110003, 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:**

Approval of the funding allocation from Council District 3 Council Community Projects, Programs, and Services, Fund No. 100000, Cost Center No. 1103110003, along with authorization from the City Council are requested to allow the Mayor, or his designee, to enter into an Agreement with Mama's Kitchen for an amount not to exceed \$5,000, for Home-Delivered Meal Service.

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

Fox

Primary Contact\Phone: Molly Chase\619-236-7758  
Secondary Contact\Phone: Lori Witzel\619-236-6442  
City Attorney Contact: Bradley, Catherine M.

\* ITEM-109: Adopting an Amended Conflict of Interest Code for the Human Resources Department.

**ITEM DESCRIPTION:**

This item seeks adoption of an amended Conflict of Interest Code for the Human Resources Department as part of a required biennial review. The Amendments would include new positions which had not previously been designated, remove positions previously designated but now more appropriately included in other City Department Codes, and amend a disclosure category.

**CITY ATTORNEY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2015-96)

Adopting a Conflict of Interest Code for the Human Resources 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 Human Resources Department;

Declaring that the persons whose positions are designated in the Conflict of Interest Code for the Human Resources 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 Human Resources 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

Bamberg

Primary Contact\Phone: Joy Freeman\619-236-5599

Secondary Contact\Phone: Judy von Kalinowski\619-533-6413

City Attorney Contact: Spivak, Sharon B.

\* ITEM-110: Adopting an Amended Conflict of Interest Code for the Office of the Chief Financial Officer.

**ITEM DESCRIPTION:**

This item seeks adoption of an amended Conflict of Interest Code for the Office of the Chief Financial Officer as part of a required biennial review. The Amendments would remove a position previously designated but now more appropriately included in another City Department's Code, update required filing categories, and add "New Position" as a title, along with a related disclosure category.

**CITY ATTORNEY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2015-85)

Adopting a Conflict of Interest Code for the Office of the Chief Financial Officer, 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 Chief Financial Officer;

Declaring that the persons whose positions are designated in the Conflict of Interest Code for the Office of the Chief Financial Officer 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 Chief Financial Officer 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

Bamberg

Primary Contact\Phone: Carol Beam\619-533-6381, MS 9A

Secondary Contact\Phone: Mary Lewis\619-236-5941, MS 9A

City Attorney Contact: Spivak, Sharon B.

\* ITEM-111: Adopting an Amended Conflict of Interest Code for the Debt Management Department.

**ITEM DESCRIPTION:**

This item seeks adoption of an amended Conflict of Interest Code for the Debt Management Department as part of a required biennial review. The Amendments would add the title of "New Positions" to Appendix A and add a corresponding disclosure category in Appendix B.

**CITY ATTORNEY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2015-87)

Adopting a Conflict of Interest Code for the Debt Management 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 Debt Management Department;

Declaring that the persons whose positions are designated in the Conflict of Interest Code for the Debt Management 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 Debt Management 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: Lakshmi Kommi\619-236-6928

Secondary Contact\Phone: Esther C. Woronicz\619-235-5835

City Attorney Contact: Spivak, Sharon B.

\* ITEM-112: Adopting an Amended Conflict of Interest Code for the Real Estate Assets Department.

**ITEM DESCRIPTION:**

This item seeks adoption of an amended Conflict of Interest Code for the Real Estate Assets Department, as part of a required biennial review. The Amendments would add the title of Principal Appraiser, and assign it a disclosure category, add "New Positions" as a title, and amend disclosure categories, as detailed in Appendix A and Appendix B of the Code.

**CITY ATTORNEY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2015-111)

Adopting a Conflict of Interest Code for the Real Estate Assets 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 Real Estate Assets Department;

Declaring that the persons whose positions are designated in the Conflict of Interest Code for the Real Estate Assets 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 Real Estate Assets 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

Bamberg

Primary Contact\Phone: Kristin Geitz\619-236-7031, MS 51A

Secondary Contact\Phone: Teresa Morse\619-236-6144

City Attorney Contact: Spivak, Sharon B.

\* ITEM-113: Adopting a Conflict of Interest Code for the Planning Department.

**ITEM DESCRIPTION:**

This item seeks adoption of a Conflict of Interest Code for the Planning Department as part of a required biennial review. The Conflict Code for City planning staff was previously included in the Development Services Department (DSD) Code. This item will create a separate code for the Planning Department, as it has moved out of DSD. The Code amends the previous portion of the DSD Code related to staff in the Planning and Facilities Financing Program Divisions.

**CITY ATTORNEY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2015-107)

Adopting a Conflict of Interest Code for the Planning 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 Planning Department;

Declaring that the persons whose positions are designated in the Conflict of Interest Code for the Planning 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 Planning 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

Bamberg

Primary Contact\Phone: Diane Maglaras\619-236-7027, MS 413

Secondary Contact\Phone: Alfonso Gastelum\619-236-7167, MS 413

City Attorney Contact: Spivak, Sharon B.

\* ITEM-114: Adopting an Amended Conflict of Interest Code for the San Diego Fire-Rescue Department.

**ITEM DESCRIPTION:**

This item seeks adoption of an amended Conflict of Interest Code for the San Diego Fire-Rescue Department. The Amendments would correct position titles, change the description of duties of one designated position, add new positions to the code, and amend one disclosure category.

**CITY ATTORNEY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2015-94)

Adopting a Conflict of Interest Code for the San Diego Fire-Rescue 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 San Diego Fire-Rescue Department;

Declaring that the persons whose positions are designated in the Conflict of Interest Code for the San Diego Fire-Rescue 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 San Diego Fire-Rescue 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

Bamberg

Primary Contact\Phone: Kathi Young\619-533-4352, MS 604

City Attorney Contact: Spivak, Sharon B.

\* ITEM-115: Adopting an Amended Conflict of Interest Code for the Purchasing and Contracting Department.

**ITEM DESCRIPTION:**

This item seeks adoption of an amended Conflict of Interest Code for the Purchasing and Contracting Department as part of a required biennial review. The Amendments include positions which had not been previously designated, remove positions previously designated but now more appropriately included in another department's code, update the required filing categories for each designated position, and add the title of "New Position" and a related disclosure category.

**CITY ATTORNEY'S RECOMMENDATION**

Adopt the following resolution:

(R-2015-222)

Adopting a Conflict of Interest Code for the Purchasing and Contracting 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 Purchasing and Contracting Department;

Declaring that the persons whose positions are designated in the Conflict of Interest Code for the Purchasing and Contracting 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 Purchasing and Contracting 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

Bamberg

Primary Contact\Phone: Dennis Gakunga\619-236-7163

Secondary Contact\Phone: E.J. Harbin\619-236-5921

City Attorney Contact: Spivak, Sharon B.

\* ITEM-116: Adopting an Amended Conflict of Interest Code for the Office of the City Treasurer.

**ITEM DESCRIPTION:**

This item seeks adoption of an amended Conflict of Interest Code for the Office of the City Treasurer as part of a required biennial review. The Amendments would remove positions, revise titles and duties of current positions, and amend a disclosure category, as reflected in Appendix A and Appendix B of the Code.

**CITY ATTORNEY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2015-223)

Adopting a Conflict of Interest Code for the Office of the City Treasurer, 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 Treasurer;

Declaring that the persons whose positions are designated in the Conflict of Interest Code for the Office of the City Treasurer 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 Treasurer 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

Bamberg

Primary Contact\Phone: Anabel Holmstrom\619-533-6483

Secondary Contact\Phone: Robbin Kulek\619-236-6170

City Attorney Contact: Spivak, Sharon B.

\* ITEM-117: Adopting an Amended Conflict of Interest Code for the Public Utilities Department.

**ITEM DESCRIPTION:**

This item seeks adoption of an amended Conflict of Interest Code for the Public Utilities Department as part of a required biennial review. The Amendments would include new positions which had not previously been designated, update the list of titles and duties in Appendix A, and amend the disclosure categories in Appendix B.

**CITY ATTORNEY'S RECOMMENDATION**

Adopt the following resolution:

(R-2015-109)

Adopting a Conflict of Interest Code for the Public Utilities 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 Public Utilities Department;

Declaring that the persons whose positions are designated in the Conflict of Interest Code for the Public Utilities 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 Public Utilities 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

Bamberg

Primary Contact\Phone: Valda Leitch\858-614-5737

Secondary Contact\Phone: Yvonne Blantz\858-614-4520

City Attorney Contact: Spivak, Sharon B.

\* ITEM-118: Adopting an Amended Conflict of Interest Code for the Development Services Department.

**ITEM DESCRIPTION:**

This item seeks adoption of an amended Conflict of Interest Code for the Development Services Department as part of a required biennial review. The Amendments would add and remove positions, update titles and duties of positions, and amend a disclosure category.

**CITY ATTORNEY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2015-89)

Adopting a Conflict of Interest Code for the Development Services 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 Development Services Department;

Declaring that the persons whose positions are designated in the Conflict of Interest Code for the Development Services 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 Development Services 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

Bamberg

Primary Contact\Phone: Jackie Cruz\619-446-5261, MS 401  
Secondary Contact\Phone: Elsa Lopez\619-446-5257, MS 401  
City Attorney Contact: Spivak, Sharon B.

\* ITEM-119: Adopting a Conflict of Interest Code for the Economic Development Department.

**ITEM DESCRIPTION:**

This item seeks adoption of a Conflict of Interest Code for the Economic Development Department as part of a required biennial review. The Code reflects the fact that the positions moved out of the Development Services Department and were part of a restructuring into the Economic Development Department.

**CITY ATTORNEY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2015-90)

Adopting a Conflict of Interest Code for the Economic Development 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 Economic Development Department;

Declaring that the persons whose positions are designated in the Conflict of Interest Code for the Economic Development 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 Economic Development 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

Bamberg

Primary Contact\Phone: Saba Fadhil\619-236-6403, MS 56D

Secondary Contact\Phone: Kevin Sullivan\619-533-5945, MS 56D

City Attorney Contact: Spivak, Sharon B.

\* ITEM-120: Adopting a Conflict of Interest Code for Neighborhood Services.

**ITEM DESCRIPTION:**

This item seeks adoption of a Conflict of Interest Code for Neighborhood Services as part of a required biennial review. The positions in the new code were previously part of other City Departments' Conflict of Interest Codes.

**CITY ATTORNEY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2015-103)

Adopting a Conflict of Interest Code for Neighborhood Services, 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 Neighborhood Services;

Declaring that the persons whose positions are designated in the Conflict of Interest Code for Neighborhood Services 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 Neighborhood Services 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

Bamberg

Primary Contact\Phone: Denise Sandoval\619-533-6387

Secondary Contact\Phone: Danell Scarborough\619-236-6573

City Attorney Contact: Spivak, Sharon B.

- \* ITEM-121: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2015-208)

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-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-2015-175)

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  
RESOLUTIONS:

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

ITEM-330: Amendments to the 2015 Legislative Calendar.

**ITEM DESCRIPTION:**

Approve the Amendments to the 2015 Legislative Calendar.

**COUNCIL PRESIDENT GLORIA'S RECOMMENDATION:**

Adopt the following resolution:

(R-2015-315)

Amending the 2015 Legislative Calendar as reflected in the revised 2015 Legislative Calendar.

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

**SUPPORTING INFORMATION:**

FISCAL CONSIDERATIONS:

None.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

The 2015 Legislative Calendar was previously approved on October 21, 2014.

Jurado-Sainz

Primary Contact\Phone: Diana E. Jurado-Sainz\619-236-6633

City Attorney Contact: Bradley, Catherine M.

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

ITEM-331: Citywide Street Pavement Assessment Survey - Contract Option Renewal.  
(Citywide.)

**ITEM DESCRIPTION:**

Exercising the option to renew a one-year contract with Cartegraph Systems, Inc., to perform a subsequent Citywide Pavement Assessment Survey as recommended by a City audit.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2015-303)

Authorizing the Mayor, or his designee, to execute a one-year option renewal with Cartegraph Systems, Inc., for consultant services to perform a Citywide Street Pavement Assessment Survey under the terms and conditions set forth in Bid 10007110-11-P, on file with the City Clerk as Document No. RR-306521, for an amount not to exceed \$556,675.90;

Authorizing the Mayor, or his designee, the expenditure in the amount not to exceed \$556,675.90 from the Transportation & Storm Water Department (2116) in Fund 100000, General Fund, for the purpose of funding the 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.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

Funding in the amount of \$556,675.90 is available in the Transportation & Storm Water Department Operating Budget. This Option Renewal, Year 4, is the last renewal available as part of the Consultant Agreement.

Original Agreement Pavement Assessment Survey: \$379,100

Original Agreement 3D Digital Mobile Mapping: \$178,500

Option Renewal, Year 1, Miscellaneous Services: \$59,900

Option Renewal, Year 4, Pavement Assessment Survey: \$379,000

Option Renewal, Year 4, 3D Digital Mobile Mapping: \$177,675.90

Total Consultant Contract: \$1,174,175.90

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

This Consultant Contract was approved by City Council on January 11, 2011 (Resolution R-2011-495). The contract included four yearly option renewals subject to approval of the City Council.

The Original Contract was reviewed and approved by the Budget and Finance Committee on December 1, 2010, and forwarded to Council as a consent item.

McFadden/Heinrichs

Primary Contact\Phone: John Helminski\619-527-7504, MS 44

Secondary Contact\Phone: Walter Gefrom\619-527-7509, MS 44

City Attorney Contact: Gerrity, Ryan P.

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

ITEM-332: Open Data Policy.

**ITEM DESCRIPTION:**

Approve the Open Data Policy, which creates a process for making City data available online using open standards.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2014-826)

Declaring that the Council hereby supports the implementation of the Open Data Policy, as set forth in the document.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

Council approved the creation of the Chief Data Officer in the Fiscal Year 2015 Budget by approving the addition of a Program Manager position in the Performance and Analytics Department. Any additional resources needed for the implementation of the Open Data Policy may be proposed in the mid-year or Fiscal Year 2016 Budget.

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

- At the July 10, 2013 meeting, the Rules and Economic Development Committee received an information only report from Open San Diego/Code for America Brigade regarding Open Data Policy.
- At the November 6, 2013 meeting, the Committee received IBA Report Number 13-50 regarding considerations associated with the proposed adoption of an Open Data Policy.
- At the Special Meeting on December 11, 2013, the Economic Development and Intergovernmental Relations Committee passed a resolution supporting Open Data and requested the formation of an Open Data Advisory Group to develop a policy to be presented to the Committee by June 30. Council adopted the resolution unanimously on December 17, 2013.

- At the July 2, 2014 meeting, the Economic Development and Intergovernmental Relations Committee approved the Policy to be forwarded to full City Council for approval after the Chief Data Officer is hired and reviews the Policy and Implementation Plan.

**ACTION:** Motion by Councilmember Kersey, second by Councilmember Lighter, to move staff recommendation to forward the Open Data Policy to City Council for approval with the request that it be brought to Council after the Chief Data Officer has reviewed the Policy, with any substantive changes initiated by the Chief Data Officer and returned to the Committee for further public input.

**VOTE:** 5-0; Lightner-yea, Harris-yea, Kersey-yea, Alvarez-yea, Emerald-yea.

Villa

Primary Contact\Phone: Barbara Lamb\619-236-7789, MS 8A

Secondary Contact\Phone: Almis Udrys\619-236-5929, MS 11A

City Attorney Contact: Lastomirsky, Steve R.

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

ITEM-333: Friars Road/SR-163 Interchange Project - Eminent Domain. (Mission Valley Community Area. District 7.)

**ITEM DESCRIPTION:**

Authorize the adoption of a Resolution of Necessity for the acquisition of a portion of property located on Assessor Parcel Numbers (APNs) 437-291-29 and 437-291-30, and acquire a Temporary Construction Easement (TCE) over Assessor Parcel Numbers 437-291-29 and 437-291-30, found necessary for the City's Friars Road/SR-163 Interchange Project (Project).

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2015-319 Rev.)

Declaring that the public interest and necessity require acquisition of the property interests as set forth in Exhibit 1 consisting of a fee interest acquisition of approximately 3408.92 square feet over a portion of APN 437-291-29; a permanent retaining wall easement of approximately 96.29 square feet over a portion of APN 437-291-29, and a temporary construction easement over approximately 20,103.19 square feet over portions of APNs 437-291-29 and 437-291-30 to complete the Project;

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

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

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

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

Authorizing the Chief Financial Officer to expend funds in the amount of \$348,300 from CIP S-00851, Friars Road/SR-163 Interchange Improvement Project, Fund 400169 (Transnet), to acquire the property interests found necessary for the Project, and for deposit into the State Treasury's State Condemnation Fund, as necessary, to obtain possession of the Acquisition Area. This is the probable amount of compensation to be paid by the City for the necessary real property interests to be acquired.

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

**STAFF SUPPORTING INFORMATION**

**FISCAL CONSIDERATIONS:**

Funds in the amount of \$348,300 are necessary for the fee acquisition of portions of APN's 437-291-29 and 437-291-30. The funds are available within the existing CIP Budget, specifically WBS S-00851, and will be sourced from Fund 400169 (Transnet). Allocated funding shall be used for the purposes of property acquisition and related expenses, and the leasing of temporary construction areas.

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

Council Resolution No. RR-298491, on October 14, 2003, authorized a Cooperative Agreement between the State of California and the City for the Project.

Thompson/Villa

Primary Contact\Phone: Barry Slotten\619-236-6724, MS 51A

Secondary Contact\Phone: April McCusker\619-236-6987, MS 51A

City Attorney Contact: Goodman, Jenny K.

ADOPTION AGENDA, DISCUSSION, HEARINGS

NOTICED HEARINGS:

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

ITEM-334: Continental Street Vacation, Project No. 339219. (Otay Mesa Community Plan Area. District 8.)

**ITEM DESCRIPTION:**

Public Right-of-Way vacation of two portions of Continental Street, an unimproved Public Right-of-Way. A segment of Continental Street north of Colchester Court to State Route 905 Right-of-Way and a segment of Continental Street south of Camino Maquiladora to State Route 905 Right-of-Way within the Otay Mesa Community Plan Area.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2015-274)

Adoption of a Resolution vacating Public Right-of-Way Vacation No. 1195717, that portion of Continental Street north of Colchester Court and that portion of Continental Street south of Camino Maquiladora, as more particularly described in Exhibit "A" and shown on Drawing No. 37783-B marked as Exhibit "B," which exhibits are attached hereto and made a part hereof;

Vacating Continental Street, as more particularly described in the legal description marked as Exhibit "A," and shown on Drawing No. 37783-B, marked as Exhibit "B," which said drawing is attached hereto and made a part hereof;

Declaring that said street vacation is conditioned upon the following:

1. The Owner/Applicant shall construct curb, gutter and contiguous sidewalk at the south end of Continental Street in line with Camino Maquiladora and construct a 30 feet wide temporary driveway to the west, satisfactory to the City Engineer;
2. The Owner/Applicant shall construct curb, gutter and contiguous sidewalk at the north end of Continental Street in line with the north curb line of Colchester Court and construct a 30 feet wide temporary driveway to the west, satisfactory to the City Engineer; and
3. The Owner/Applicant shall record a mutual access agreement between parcels 646-101-45 and 646-101-78;

Completing and accepting of these improvements and agreements by the City Engineer prior to the recordation of any street vacation. In the event this condition is not completed within three years following the adoption of this Resolution, then this Resolution shall become void and be of no further force or effect;

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 item is not subject to the Mayor's veto.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

No fiscal impact. All costs associated with the processing of the application are recovered through a deposit account funded by the applicant.

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

None.

Vacchi\Graham\td

Primary Contact\Phone: Tim Daly\619-446-5356, MS 501

City Attorney Contact: Goodman, Jenny

**NON-DOCKET ITEMS**

**ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES**

**ADJOURNMENT**