

CITY OF SAN DIEGO COUNCIL DOCKET



COUNCIL PRESIDENT

Sherry Lightner • First District

COUNCIL PRESIDENT PRO TEM

Marti Emerald • Ninth 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

**Andrea Tevlin
Independent
Budget Analyst**

**Jan Goldsmith
City Attorney**

**Liz Maland
City Clerk**

Council Chambers, 12th Floor, City Administration Building

Tuesday, February 10, 2015

**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
TUESDAY, FEBRUARY 10, 2015, AT 10:00 AM
CITY ADMINISTRATION BUILDING
COUNCIL CHAMBERS – 12TH FLOOR
202 “C” STREET
SAN DIEGO, CA 92101**

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

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

NOTE: The public portion of the meeting will begin at 10:30 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. 2/5/15)

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:

01/05/2015 - Adjourned

01/06/2015 - Adjourned

PROCLAMATIONS/CEREMONIAL ITEMS

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

ITEM-30: Charles A. (Tony) Heinrichs Day.

PRESENTED BY MAYOR FAULCONER AND COUNCIL PRESIDENT LIGHTNER:

Proclaiming February 10, 2015, to be "Charles A. (Tony) Heinrichs Day" in the City of San Diego.

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

ITEM-31: Girl Scout Cookie Day.

COUNCIL PRESIDENT LIGHTNER'S RECOMMENDATION:

Proclaiming January 25, 2015, to be "Girl Scout Cookie Day" in the City of San Diego.

ITEM-32: Ken Kramer Day.

COUNCIL PRESIDENT PRO TEM EMERALD'S RECOMMENDATION:

Proclaiming February 9, 2015, to be "Ken Kramer 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 INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING
WITH THE READING AND ADOPTION:

- * ITEM-50: CHW Arizona Street Development, Project No. 359872. (Greater North Park Community Plan Area. District 3.)

ITEM DESCRIPTION:

The project proposes a phased development consisting of a six-story, market rate, multi-family residential building, providing 118 units; and the construction of a five-story, for-rent, multi-family residential building, intended to be marketed to seniors, providing 76 units (23 affordable units dedicated to very low income households), for a total of 194 residential units, located at 4220 Arizona Street and 4212 Texas Street within the Greater North Park Community Plan area.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 1/26/2015, Item 201, Subitem D. (Council voted 8-0. Council President Pro Tem Emerald not present):

(O-2015-68)

Allowing 14 additional residential units above the 35 percent maximum affordable housing density bonus on 0.56 acre site located at 4212 Texas Street (Lot 2).

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

* ITEM-51: Lease of the properties and improvements located at 1200 Third Ave and 201 A Street. (Downtown Community Area. District 3.)

ITEM DESCRIPTION:

Authorize the City to enter into a 20-year lease-to-own Agreement between the City of San Diego and CCP 1200 LLC.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 1/26/2015, Item S400. (Council voted 8-0. Council President Pro Tem Emerald not present):

(O-2015-62)

Authorizing and directing the Mayor, or his designee, to execute, deliver, and effectuate the terms and conditions of that certain Agreement, between the City of San Diego, as Tenant, and CCP 1200, LLC, as Landlord, for the lease of the real properties and all the improvements located at 1200 Third Avenue and 201 A Street, in San Diego, California;

Authorizing the Chief Financial Officer to expend all funds for rent and as otherwise required by the Agreement in an amount not to exceed \$2,513,725 for the remaining Fiscal Year 2015, from funds as follows: Fund No. 600000 (\$12,820); Fund No. 100000 (\$2,117,059); Fund No. 200205 (\$46,001); Fund No. 720040 (\$1,760); Fund No. 720048 (\$210,147); and Fund No. 200610 (\$125,938);

Authorizing the Chief Financial Officer to expend all funds for rent and as otherwise required by the Agreement in a total amount not to exceed \$160,000,000, all contingent upon the adoption of each Annual Fiscal Year Appropriation Ordinance and contingent upon the Chief Financial Officer furnishing a certificate certifying that funds necessary for expenditure each year's expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the Chief Financial Officer to deposit all rent revenues received from the parking facility located at 1200 Third Avenue (the Civic Center Plaza Building) into General Fund 100000;

Authorizing the Chief Financial Officer to deposit all rent revenues received from the building located at 201 A Street (currently occupied by the King Chavez High School) into General Fund 100000.

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

* ITEM-52: Evan V. Jones Parkade - Ace Parking Management Contract Extension.
(Downtown Community Area. District 3.)

ITEM DESCRIPTION:

This action will exercise the month-to-month holdover provision in the existing contract, authorizing Ace Parking Management (Ace) to continue to provide parking management and security for the Evan V. Jones Parkade. The Agreement will expire February 17, 2015, and the holdover extension requested is for an additional 12 months.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 1/26/2015, Item S401. (Council voted 8-0. Council President Pro Tem Emerald not present):

(O-2015-72)

Authorizing the Chief Financial Officer to appropriate and expend funds up to \$185,654 from the Concourse/Parking Special Fund No. 200300 during Fiscal Years 2015 and 2016, for parking management services at the Evan V. Jones Parkade pursuant to Contract No. 9105-08-Z-RFP/4600000157 with Ace Parking Management, Inc., a California Corporation, contingent on certification that funds necessary for the expenditures 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-53: Otay 2nd Pipeline Relocation Participation Agreement.

ITEM DESCRIPTION:

This ordinance will approve a ten (10) year participation agreement with an option to extend the term of the agreement for two five (5) year terms for a total agreement term of twenty (20) years. The participation agreement outlines each segment of work, the City and Developers cost, and the schedule to begin and complete each segment. Therefore, City funding has been identified for each fiscal year and may move forward in time depending upon the development schedule of Otay Ranch.

STAFF'S RECOMMENDATION:

Introduce the following ordinance:

(O-2015-64)

Introduction of an Ordinance authorizing the Mayor, or his designee, to execute a Participation Agreement and establish contract funding phases for the Participation Agreement with Developers for the design and construction of the Otay Second Pipeline Relocation - Participation Agreement in an amount not to exceed \$28,093,224;

Authorizing the Chief Financial Officer to add CIP S-15016, Otay Second Pipeline Relocation – Participation Agreement, to the Capital Improvements Program;

Authorizing the Chief Financial Officer, to increase the Capital Improvements Program Budget in CIP S-15016, Otay Second Pipeline Relocation - Participation Agreement, and to appropriate and expend \$1,634,092 from Fund No. 700010, Water Utility - CIP Funding Source, for the purpose of funding the Participation Agreement and in-house costs;

Authorizing the Chief Financial Officer to award and expend funds under the established contract funding phases in an amount not to exceed \$1,584,092 for the first phase (FY15), and \$26,509,132 for all subsequent phases from CIP S-15016, Otay Second Pipeline Relocation - Participation Agreement, Fund No. 700010, Water Utility - CIP Funding Source, 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 the funds necessary for expenditure under the established contract funding phases are, or will be, on deposit with the City Treasurer;

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

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

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The City's total project cost is \$28,143,224, of which \$28,093,224 is for the participation agreement and \$50,000, is for in-house City costs. This action authorizes the first phase (FY 15) of the participation agreement for \$1,584,092, and \$50,000 for in-house City costs. Funds for this action are available in Fund No. 700010, Water Utility - CIP Funding Source. Funding for future phases is 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 the funds necessary for expenditure under the established contract funding phases are, or will be, on deposit with the City Treasurer.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

This item was heard at the Infrastructure Committee on January 21, 2015.

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

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

Sasaki/Heinrichs

Primary Contact\Phone: Leonard Wilson\619-446-5421, MS 401
Secondary Contact\Phone: Rania Amen\858-654-4112, MS 901A
City Attorney Contact: Palmucci, Raymond C.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- * ITEM-100: Establishment of Convention Center Sails Pavilion as a CIP Project. (Centre City Community Area. District 3.)

ITEM DESCRIPTION:

This action is to establish Convention Center Sails Pavilion as a CIP Project. The Sails Pavilion is a 108,000 square foot glass-enclosed structure with fiber-glass coated fabric roof; it was built in 1989 as part of the original Convention Center. The Sails Pavilion is now 25 years old and requires a major rehabilitation beyond routine maintenance. This action requests an authorization to transfer \$100,000 from Convention Center Phase III Expansion to this project for the purpose of providing facility condition assessment, preliminary design services, and preparation of environmental documents.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2015-352)

Authorizing the Mayor, or his designee, to add CIP L-15000, Convention Center Sails Pavilion, to the FY 15 Capital Improvements Program (CIP), in accordance with the FY 15 Annual Appropriations Ordinance;

Authorizing the Chief Financial Officer to transfer the amount of \$100,000 from CIP S-12022, Convention Center Phase III Expansion, Fund 400265, General Fund Contributions to the CIP, to CIP L-15000, Convention Center Sails Pavilion;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$100,000 from Fund No. 400265, General Fund Contributions for CIP L-15000, Convention Center Sails Pavilion, solely and exclusively, for providing facility condition assessment(s), preliminary design services, and preparation of environmental documents for the Convention Center Sails Pavilion Project.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

This action will authorize the transfer of \$100,000 from CIP S-12022, Convention Center Phase III Expansion to CIP L-15000, Convention Center Sails Pavilion and authorize the appropriation and expenditures not to exceed an amount of \$100,000.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

This item was heard at the Infrastructure Committee meeting on January 21, 2015.

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

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

Nagelvoort/Heinrichs

Primary Contact\Phone: Kris Shackelford\619-533-4121

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

City Attorney Contact: Zeleny, Thomas C.

- * ITEM-101: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2015-210)

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-102: 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-2015-177)

Declaring a continued state of emergency to exist 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

The following item will be considered in the afternoon session which is scheduled to begin at 2:00 p.m. (Rev. 2/4/15)

ITEM-330: Financial Training for the City Council: Introduction to Commercial Paper Program and Mechanics of Implementation.

ITEM DESCRIPTION:

This item provides financial training for the City Council. The training is entitled Introduction to Commercial Paper Program and Mechanics of Implementation. It is an informational item and there is no associated City Council action.

INDEPENDENT BUDGET ANALYST'S RECOMMENDATION:

Informational item only.

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS: None.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

On December 6, 2006, the City Council adopted Resolution R-302243 to implement a Comprehensive Financial Training Program as recommended in IBA Report No. 06-59. Training on Debt Issuance and Administration is one component of that program. The City Council last received training related to the Debt Issuance and Administration subject area on July 16, 2012.

Kawar

Primary Contact\Phone: Jeff Kawar\619-533-4764

Secondary Contact\Phone: Andrea Tevlin\619-236-6555

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT