

CITY OF SAN DIEGO COUNCIL DOCKET



COUNCIL PRESIDENT

Sherrí 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, March 24, 2015

**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
TUESDAY, MARCH 24, 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 10:00 a.m. The City Council will meet in Closed Session this morning from 9:00 a.m. – 10:00 a.m. Copies of the Closed Session agenda are available in the Office of the City Clerk.

OTHER LEGISLATIVE MEETINGS

The **SAN DIEGO HOUSING AUTHORITY** is scheduled to meet today in the Council Chambers. A separate agenda is published for it, and is available in the Office of the City Clerk. For more information, please contact the Housing Authority Secretary at (619) 578-7564. Internet access to the agenda is available at:
<http://www.sdhc.org/Media-Center/SDHC-Meetings/Housing-Authority-Meetings/>

The **PUBLIC FACILITIES FINANCING 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 Brant Will at (619) 236-6220. Internet access to the agenda is available at:
<http://www.sandiego.gov/city-clerk/officialdocs/legisdocs/pffa.shtml>

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:

02/23/2015

02/24/2015

PROCLAMATIONS/CEREMONIAL ITEMS

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

ITEM-30: FIRST Robotics 2015 Days.

PRESENTED BY COUNCIL PRESIDENT LIGHTNER:

Proclaiming April 2, through April 4, 2015, to be "FIRST Robotics 2015 Days" in the City of San Diego.

ITEM-31: Red Cross Month.

PRESENTED BY COUNCILMEMBER CATE:

Proclaiming March 2015, to be "Red Cross Month" in the City of San Diego.

ITEM-32: Randy Seefeldt Day.

PRESENTED BY COUNCILMEMBER SHERMAN:

Proclaiming March 24, 2015, to be "Randy Seefeldt Day" in the City of San Diego.

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

ITEM-33: Indian Music and Dance Festival 2015 Days.

COUNCIL PRESIDENT LIGHTNER'S RECOMMENDATION:

Proclaiming March 24, through March 29, 2015, to be "Indian Music and Dance Festival 2015 Days" in the City of San Diego.

ITEM-34: Calvary Baptist Church Day.

COUNCILMEMBER COLE'S RECOMMENDATION:

Proclaiming March 29, 2015, to be "Calvary Baptist Church 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 2.6.2, of the San Diego Municipal Code, comments are limited to two minutes per speaker. Speakers may not allocate their time to other speakers. If there are eight (8) or more speakers on a single issue, the maximum time allotted for that issue will be sixteen (16) minutes. Non-Agenda Public Comment is limited to 30 minutes during the Tuesday morning Council session. Any remaining speakers will be given an opportunity to speak after Council concludes the remaining agenda items for that day. Speaker order will generally be decided on a first-come, first-served basis. However, in the event that there are more than 15 Non-Agenda Public Comment speakers on a particular Tuesday, priority may be given to speakers who have not addressed the legislative body during "Non-Agenda Public Comment" at the last regularly scheduled Council meeting.

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: Fourteenth Amendment to the Contract No. 4500030142 for Consulting Services with HDR Engineering, Inc. (Citywide.)

ITEM DESCRIPTION:

Fourteenth Amendment to the HDR Engineering, Inc., Contract No. 4500030142 in the amount not to exceed \$305,000, of which \$155,000 is for additional work due to the City's upgrade of its computer applications to be compatible with Windows 7 and current ESRI version, and \$150,000 is for continued maintenance through Fiscal Year 2017, bringing the total Agreement to \$648,111.23.

STAFF'S RECOMMENDATION:

Introduce the following ordinance:

(O-2015-82)

Introduction of an Ordinance authorizing the Mayor, or his designee, to execute, for and on behalf of the City, a Fourteenth Amendment to the Agreement with HDR Engineering, Inc., for an amount not to exceed \$305,000, contingent upon adoption of the Annual Appropriation Ordinance for the applicable fiscal year, and contingent upon the Chief Financial Officer furnishing one or more certificates demonstrating that funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$305,000 from Muni Sewer Revenue Fund 700000, for the purpose of executing this Fourteenth Amendment to the Agreement, contingent upon the Chief Financial Officer furnishing one or more certificates certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

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 total not to exceed amount for the Fourteenth Amendment is \$305,000. Funds are available in the Muni Sewer Revenue Fund 700000.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

This item was heard at the Environment Committee meeting on March 4, 2015.

ACTION: Motion by Vice Chair Cate, second by Councilmember Gloria, to forward staff's recommendation to City Council.

VOTE: 3-0; Alvarez-yea, Gloria-yea, Cate-yea, Emerald-not present. (Rev. 3/19/15)

Griffith/Heinrichs

Primary Contact\Phone: Martin Kane\858-654-4489, MS 902

Secondary Contact\Phone: Agnes Generoso\858-292-6490, MS 902

City Attorney Contact: Jung, Jeremy A.

* ITEM-51: Request to exempt five Program Manager positions in the Risk Management Department from the Classified Service.

ITEM DESCRIPTION:

This action is to exempt five Program Manager positions from the Classified Service in the Risk Management Department. These positions will be responsible for the operation of Citywide programs and policies administered within the Risk Management Department.

STAFF'S RECOMMENDATION:

Introduce the following ordinance:

(O-2015-83)

Introduction of an Ordinance receiving and reviewing a Memorandum from Personnel Director Hadi Dehghani, dated February 10, 2015, which documents that, on February 5, 2015, the City's Civil Service Commission reviewed and favorably commented on a proposal from the Department to exempt five Program Manager positions from the Classified Service. The first Program Manager position will be responsible for administering the Flexible Benefits Plan Employee Savings Plans, the Retiree Medical Trust, and the Long Term Disability and Employee Assistance Programs; serving as the plan administrator for various retirement plans; and developing Citywide training, policies, and procedures for the plans. The second Program Manager position will be responsible for managing the City's insurance contracts, liability risk, and loss recovery efforts; participating in confidential settlement conferences; and acting as the City's representative in the California State Association of Counties. The third Program Manager position will be responsible for creating and overseeing Citywide safety practices, policies, and related training and ensuring compliance with Federal, State, County, and City safety-related regulations. The fourth Program Manager position will be responsible for managing and overseeing the City's Workers' Compensation Program; representing the City at the State Workers' Compensation Appeals Board; and developing policies and procedures to comply with new or revised State Workers' Compensation laws. The fifth Program Manager position will be responsible for overseeing the Department Budget and Public Liability, Long Term Disability and Workers' Compensation funds, and ensuring reserve funding is revised and complies with the City's reserve policy;

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 five Program Manager positions in the Department, performing the duties set forth in the February 10, 2015, Memorandum from Personnel Director Hadi Dehghani to the Honorable Council President and Council, and in this Ordinance.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS: N/A

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: N/A

Bych/Lewis

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

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

City Attorney Contact: Dawson, Joan F.

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

- * ITEM-52: Exemption of 3.00 Program Manager positions in the Development Services Department from the Classified Service, as approved by the Civil Service Commission on February 5, 2015.

ITEM DESCRIPTION:

This action is to exempt 3.00 Program Manager positions from the Classified Service in the Development Services Department. Under the direction of the Development Services Director, these positions will be responsible for assisting with managing divisions in the department including Engineering, Building Inspection, and Land Development Review.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 3/10/2015, Item 50. (Council voted 7-0. Council President Pro Tem Emerald and Councilmember Gloria not present):

(O-2015-77)

Receiving and reviewing a Memorandum from Personnel Director Hadi Dehghani, dated February 10, 2015, which documents that, on February 5, 2015, the City's Civil Service Commission reviewed and favorably commented on a proposal from the Department Director to exempt from the City's Classified Service three Program Manager positions in the Department. The Program Managers will be responsible for managing the Engineering, Building Inspection, and Land Development Review sections in the Department. The Program Manager in the Building Inspection section will be responsible for assisting with developing and implementing Department policies and procedures related to building codes and regulations. The Program Manager in the Land Development Review section will be responsible for assisting with developing and implementing department policies and procedures related to the City's Land Development Code and Land Use Plans as well as overseeing and directing environmental and landscape review services. The Program Manager in the Transportation Review and Traffic Safety section will be responsible for assisting with developing and implementing department policies and procedures related to engineering review and development review;

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, three Program Manager positions in the Department, performing the duties set forth in the February 5, 2015, Memorandum from Personnel Director Hadi Dehghani to the Honorable Council President and City Council.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- * ITEM-100: Authorize an Agreement with Allied Waste Systems, Inc., dba Republic Services of San Diego, for refuse and recycling collection services at City facilities.

ITEM DESCRIPTION:

This action is to approve an Agreement with Allied Waste Systems, Inc., dba Republic Services, for refuse and recycling collection services to City facilities. The total 5-year contract value shall not exceed \$3,961,817.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2015-473)

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City, an Agreement with Allied Waste Systems, Inc., dba Republic Services of San Diego, for refuse and recycling collections services at City facilities, for a period of five (5) years, in an amount not to exceed \$3,961,817, under the terms and conditions set forth in the Agreement;

Authorizing the Chief Financial Officer to appropriate and expend an amount not to exceed \$745,078.44 from General and Non-General Funds as set forth in the attached Exhibit A for the first year of the Agreement, solely and exclusively, to provide funds for the Agreement, contingent upon the Chief Financial Officer first furnishing one or more certificates demonstrating that the funds are, or will be, on deposit with the City Treasurer;

Authorizing the Chief Financial Officer to appropriate and expend an amount not to exceed \$3,216,738.56 for the remaining four years of the Agreement, solely and exclusively, to provide funds for the Agreement, contingent upon Council approval of the Annual Appropriations Ordinance for the applicable fiscal year and upon the Chief Financial Officer first furnishing one or more certificates demonstrating that the funds are, or will be, on deposit with the City Treasurer.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

At current service levels, the anticipated annual cost to the City is \$745,078.44 for the first contract year. Pricing is a fixed, per service price, based on material and equipment type. The anticipated annual cost is comparable to what the City paid for fewer services under the current contract for these services in FY 14. Currently, the cost for trash collection is \$10.76 per tip (emptying of bin), and the cost for recycling collection is \$8.06 per tip. Under the new Agreement, the cost for trash collection will be \$11.91 per tip and the cost for recycling collection will be \$5.94 per tip.

As the Environmental Services Department (ESD) and Allied Waste Systems, Inc., dba Republic Services of San Diego (Republic), work to adjust service levels at City service locations to be compliant with the City Recycling Ordinance, costs are expected to decrease for subsequent contract years.

Please see the attached Exhibit A for a full list of accounting for the first contract year, by General and Non-General Funds.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

This item was heard at the Environment Committee meeting on March 4, 2015.

ACTION: Motion by Vice Chair Cate, second by Chair Alvarez, to forward staff's recommendation to full City Council for approval.

VOTE: 3-0; Alvarez-yea, Gloria-yea, Cate-yea, Emerald-not present. (Rev. 3/19/15)

Greenhalgh/LoMedico

Primary Contact\Phone: Meghan Cannis\858-492-5009

City Attorney Contact: Guy, Amanda L.

- * ITEM-101: Grant application submittal to San Diego Association of Governments (SANDAG's) Transnet Environmental Mitigation Program (EMP) Land Management Grant Program for Park Ranger/SDPD Joint Patrols of conserved open space lands within the City of San Diego. (The project will address areas with significant on-going open space enforcement needs (e.g. Del Mar Mesa, East Elliott) while also expanding the City's ability to curtail additional areas of concentrated illegal activity. Districts 1, 7, and other areas as needed.)

ITEM DESCRIPTION:

This action is to authorize the application, acceptance, appropriation and expenditure of San Diego Association of Governments (SANDAG's) Transnet Environmental Mitigation Program (EMP) Land Management Grant Program funding. The grant funding will be used by the Park and Recreation Department for Park Ranger/SDPD Joint Patrols of conserved open space lands within the City of San Diego.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2015-480)

Authorizing the Mayor, or his representative, to make an application to San Diego Association of Governments (SANDAG) for Transnet Environmental Mitigation Program (EMP) funds for Land Management Grant Program Projects for an amount not to exceed \$200,000 for the Project;

Authorizing the Mayor, or his delegated representative, to conduct all negotiations, sign and submit all documents, including but not limited to: applications, agreements, amendments, and payment requests, which may be necessary for the completion of the Project, if a grant award is made by SANDAG to fund the Project ;

Authorizing the Mayor, or his representative, to take all necessary actions to secure funding from SANDAG for the completion of the Project;

Declaring that if a grant award is made by SANDAG to fund the Project, the City commits to providing \$36,000 of matching funds and/or in-kind contributions as set forth in its grant application;

Authorizing the Chief Financial Officer as delegated to Financial Management to accept, appropriate and expend funds not to exceed \$200,000 in Fund 600002 "Grant Fund - Other", if the grant funding is secured for the completion of the Project.

STAFF SUPPORTING INFORMATION

FISCAL CONSIDERATIONS:

With this action, San Diego Association of Governments (SANDAG) Land Management Program grant funding will be authorized for City staff personnel expenses associated with Park Ranger/SDPD joint patrols. Should the grant be awarded, funds would be made available beginning in Summer/Fall 2015 with a grant performance period of 3 years. The SANDAG Land Management Program requests that progress reports and invoices be submitted for grant payment on a quarterly basis.

The grant funding amount requested in this proposal is \$200,000, with a \$36,000 match in City funds (in-kind contribution). The annual Park and Recreation Department Budget includes budgeted salaries to support valuable Park Ranger and other natural resource management services in the City of San Diego's Park and Recreation Department, which is considered a funding match for the purpose of this grant application.

A sample SANDAG grant contract is attached (see Attachment 2).

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: N/A

Field/Graham

Primary Contact\Phone: Meredith Dawson \619-525-8217

Secondary Contact\Phone: Andrew Field \619-235-1110

City Attorney Contact: Mendoza, Hilda R.

* ITEM-102: Authorizing and Establishing the South Park Banner District. (South Park Community Area. District 3.)

ITEM DESCRIPTION:

Authorize and establish the South Park Banner District and allow the South Park Business Group to install street banners in the public right-of-way promoting cultural and civic events, and community activities of general public interest.

COUNCILMEMBER GLORIA'S RECOMMENDATION:

Adopt the following resolution:

(R-2015-458)

Authorizing and establishing the South Park Banner District, as follows:

1. In accordance with San Diego Municipal Code Section 142.1210(b)(5)(C), the South Park Business Group may install banners in the following locations:

- (a) along east and west sides of Fern Street from Juniper to Beech Street and
- (b) along the east and west sides of 30th Street from Juniper to Ash Street.

2. The banners shall be installed in accordance with the following:

- a. The banners shall not be used for commercial or political advertising, except that logos and trademarks of sponsoring organizations shall be permitted.
- b. The total area of logos and trademarks shall be limited to five percent of the banner area.
- c. The banners shall be displayed for no more than thirty calendar days, with one thirty-calendar day extension.
- d. The banners shall be installed only on light standards that have been equipped by the City with mounting hardware.
- e. The banners have been received all necessary permits to locate in the public right-of-way.

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS: N/A

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: N/A

Fox

Primary Contact\Phone: Molly Chase\619-236-7758

City Attorney Contact: Thomas, Shannon M.

* ITEM-103: Appointment of the City's Management Team for the purposes of Meeting and Conferring with the City's recognized Employee Organizations.

ITEM DESCRIPTION:

This item approves the City's Management Team for the purpose of Meeting and Conferring with the City's recognized Employee Organizations.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2015-461 Cor. Copy) (Rev. 3/19/15)

Declaring that pursuant to California Government Code Sections 3505 and 54957.6(a), City Council Policy 300-06, and other applicable state and local laws and regulations, the Council designates the representatives on the Management Team for Fiscal Year 2016 negotiations with the City's recognized employee organizations, and authorizes these representatives to participate in meet and confer, taking Council-approved bargaining positions, to execute any Tentative Agreements and Memoranda of Understanding reached in meet and confer, and to present all Tentative Agreements and Memoranda of Understanding reached in meet and confer to the Council for final determination and approval by the Council as to policy and the City Attorney as to legality, as follows:

Timothy Davis, Burke, Williams, & Sorensen LLP, Labor Negotiation Consultant
Scott Chadwick, Chief Operating Officer
Mary Lewis, Chief Financial Officer
Stacey LoMedico, Assistant Chief Operating Officer
David Graham, Deputy Chief Operating Officer
Ron Villa, Deputy Chief Operating Officer
Stephen Puetz, Chief of Staff, Office of the Mayor
Felipe Monroig, Deputy Chief of Staff for Communications, Office of the Mayor
Jaymie Bradford, Deputy Chief of Staff, Office of the Mayor
Mike Hansen, Director of Land Use and Environmental Policy, Office of the Mayor
Almis Udrys, Performance and Analytics Director, Office of the Mayor
(Rev. 3/19/15)
Judy von Kalinowski, Human Resources Director
Joy Freeman, Human Resources Deputy Director
Karen DeCrescenzo, Senior Human Resources Officer
Abby Jarl-Veltz, Labor Relations Manager
Colin Brazile, Human Resources Officer
Darrin Schwabe, Human Resources Officer
Anthony Austin, Human Resources Officer

Victoria Davidson, Human Resources Officer
Greg Bych, Risk Management Director
Estella Montoya, Risk Management Deputy Director
Nancy Stadille, Employee Benefits Manager, Risk Management
Elena Perez, Financial Operations Manager, Office of the City Comptroller
Julio Canizal, Deputy Director, Financial Management
Quennelle Allen, Senior Budget Development Analyst, Financial Management
Javier Mainar, Fire Chief, Fire-Rescue Department
Kenneth Barnes, Assistant Fire Chief, Fire-Rescue Department
Brian Fennessy, Assistant Fire Chief, Fire-Rescue Department
Rick Wurts, Lifeguard Chief, Fire-Rescue Department
Shelley Zimmerman, Police Chief, Police Department
Sarah Creighton, Assistant Police Chief
Tanya Tomlinson, Deputy Director, City Attorney's Office, solely for negotiations with the Deputy City Attorneys Association

Declaring that the Council designates the following individuals from the Office of the Independent Budget Analyst as representatives within the meaning of California Government Code Section 54957.6(a) to attend Closed Session meetings of the Council, and to serve in the capacity as observers at "meet and confer" sessions, but they are not designated as members of the Management Team as defined by City Council Policy 300-06:

Andrea Tevlin, Independent Budget Analyst
Jeff Kavar, Deputy Director, Office of the Independent Budget Analyst
Lisa Byrne, Fiscal and Policy Analyst, Office of the Independent Budget Analyst
Chris Olsen, Fiscal and Policy Analyst, Office of the Independent Budget Analyst

Declaring that the Council designates the following individuals from the Office of the City Attorney as representatives within the meaning of California Government Code Section 54957.6(a) to attend Closed Session meetings of the Council; to perform legal work, as required by Charter Section 40; and to serve in the capacity as observers at "meet and confer" sessions, but they are not designated as members of the Management Team as defined by City Council Policy 300-06:

Paul Cooper, Executive Assistant City Attorney, City Attorney's Office
Mary Nuesca, Assistant City Attorney, City Attorney's Office
John Hemmerling, Chief Deputy City Attorney, City Attorney's Office
Joan Dawson, Deputy City Attorney, City Attorney's Office
Roxanne Story Parks, Deputy City Attorney, City Attorney's Office
William Gersten, Deputy City Attorney, City Attorney's Office
Greg Halsey, Deputy City Attorney, City Attorney's Office

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

None.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: N/A

von Kalinowski/Villa

Primary Contact\Phone: Judy von Kalinowski\619-236-6313

Secondary Contact\Phone: Karen DeCrescenzo\619-533-5802

City Attorney Contact: Dawson, Joan F.

- * ITEM-104: Excusing Councilmember Emerald from Council meetings of February 24, 2015, March 2, 3, 9, and 10, of 2015, along with Committee meetings of the Public Safety and Livable Neighborhoods Committee on February 25, 2015, the Environment Committee on March 4, 2015, the Charter Review Committee on March 5, 2015, and the Infrastructure Committee on March 11, 2015, due to illness.

COUNCILMEMBER EMERALD'S RECOMMENDATION:

Adopt the following resolution:

(R-2015-474)

Excusing Councilmember Emerald from attending the Council meetings of February 24, March 2, March 3, March 9, and March 10 of 2015; the Public Safety and Livable Neighborhoods Committee meeting of February 25, 2015; the Environment Committee meeting of March 4, 2015; the Charter Review Committee meeting of March 5, 2015; and the Infrastructure Committee meeting of March 11, 2015, due to illness.

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

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

RESOLUTIONS:

The following item will be considered in the morning session which is scheduled to begin at 10:00 a.m.

ITEM-330: Approve Bid/Contract Award for Microfilm/Imaging Services - Development Services.

ITEM DESCRIPTION:

This item is to approve and award the contract to Western Micrographics for microfilm and imaging services. This service includes document preparation, scanning, micro filming, indexing and aperture card creation. These records are used for historical information purposes and documentation of approved changes to property for the City and Public.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2015-417 Cor. Copy) (Rev. 3/20/15)

Approving and awarding a five year Contract with Western Micrographics for microfilm and imaging services for Development Services Department building and construction records;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$1,120,392 per year, for a total not to exceed \$5,601,960 over the five year term of the contract, contingent upon Council approval of the Fiscal Year 2016, and future years Appropriations Ordinance and City Comptroller certifying funds are available.
(Rev. 3/20/15)

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

Development Services recovers the costs of this service through fees charged to the public. Costs will be paid from Cost Center No. 1611000015, Fund 700036, GL 512059 DSD Enterprise Fund.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

This item was heard at the Budget and Government Efficiency Committee meeting on February 25, 2015.

ACTION: Motion by Councilmember Sherman, second by Councilmember Alvarez, to forward the item to Council without a recommendation and direction to provide additional justification for the overall contract and the not-to-exceed amounts when the item comes to Council.

VOTE: 5-0; Gloria-yea, Cole-yea, Kersey-yea, Sherman-yea, Alvarez-yea.

Vacchi/Graham

Primary Contact\Phone: Susan Bender\619-446-5010, MS 401

Secondary Contact\Phone: Jim Myers\619-446-5007

City Attorney Contact: Thomas, Shannon M.

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

ITEM-331: FY 2016 U.S Department of Housing and Urban Development (HUD) Entitlement Programs Allocations.

ITEM DESCRIPTION:

The proposed actions will approve proposed funding recommendations for the City's Fiscal Year 2016 Community Development Block Grant (CDBG) Program, and appropriate and expend the U.S. Department of Housing and Urban Development (HUD) CDBG, Emergency Solutions Grant (ESG), and HOME Investment Partnerships Programs (HOME) Fiscal Year 2016 Annual Entitlement Allocations for the City's HUD Programs.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2015-477)

Authorizing the Chief Financial Officer to accept Community Development Block Grant (CDBG) funds from the U.S. Department of Housing and Urban Development (HUD), for the City's FY 2016 CDBG Program;

Approving the City's funding recommendations for the City's FY 2016 CDBG Program set forth in Attachment 1 (FY 2016 Public Services Projects), Attachment 2 (FY 2016 Community/Economic Development Projects), Attachment 3 (FY 2016 Nonprofit Capital Improvement Projects), and Attachment 4 (FY 2016 City Capital Improvement Projects) to the Staff Report, contingent upon the Chief Financial Officer certifying that funds are available;

Approving the allocation of FY 2016 CDBG funding to the Housing Commission not to exceed \$1,318,078, for the homeless programs as identified and indicated in Council Resolution R-307701, set forth in Attachment 5 to the Staff Report, contingent upon the Chief Financial Officer certifying that funds are available;

Approving the incorporation of the City's Funding Obligations, and those projects and programs approved for CDBG funding in Attachments 1, 2, 3, and 4 to the Staff Report into the City's FY 2016 Annual Action Plan;

Authorizing the Chief Financial Officer to appropriate and expend the FY 2016 CDBG entitlement funds not to exceed \$11,026,482, effective on July 1, 2015, for the City's Funding Obligations, projects and programs approved for CDBG funding, contingent upon the Chief Financial Officer certifying that funds are available;

Authorizing the Chief Financial Officer to accept HOME Investment Partnerships Program (HOME) funds from HUD, for the City's FY 2016 HOME Program in the amount of \$3,963,370;

Authorizing the Chief Financial Officer to appropriate and expend up to \$3,963,370, in FY 2016 HOME funds, contingent upon the Chief Financial Officer certifying that funds are available;

Authorizing the Chief Financial Officer to accept ESG funds from HUD for the City's FY 2016 ESG Program in the amount of \$978,583;

Authorizing the Chief Financial Officer to appropriate and expend up to \$978,583, in FY 2016 ESG funds, contingent upon the Chief Financial Officer certifying that funds are available;

Authorizing the Mayor, or designee, to negotiate and execute Agreements and any Amendments thereto, with those agencies for which projects and programs have been approved for CDBG funding by the City Council, contingent upon the Chief Financial Officer certifying that funds are available;

Authorizing the Mayor, or designee, to negotiate and execute Agreements and any Amendments thereto, with the San Diego Housing Commission (Housing Commission), which set forth the Housing Commission's responsibilities to plan, coordinate, operate, administer and implement programs for the operation of the City's ESG Program and authorizing the City to reimburse the Housing Commission for eligible ESG expenditures, contingent upon the Chief Financial Officer certifying that funds are available;

Authorizing the Mayor, or designee, to negotiate and execute Agreements and any Amendments thereto, with the Housing Commission, which set forth the Housing Commission's responsibilities to plan, coordinate, operate, administer and implement programs for the operation of the City's HOME Program and authorizing the City to reimburse the Housing Commission for eligible HOME expenditures, contingent upon the Chief Financial Officer certifying that funds are available;

Authorizing and directing the Chief Financial Officer to reduce the FY 2016 Capital Improvement Project (CIP) Program Budget, by de-appropriating \$33,950.97 in Fund 600000, Grant 1000003-2012, CDBG 2012 from WBS S-00700, Azalea Park Neigh 07, for the purpose of reprogramming the balance of CDBG funding;

Authorizing and directing the Chief Financial Officer to appropriate \$346,462.12 of Program Income, and appropriate \$544,329.86 of previously unappropriated CDBG Entitlement, to increase the FY 2016 Capital Improvement Project (CIP) Program Budget, in Fund 600000, Grant 1000003-2016, CDBG 2016, contingent upon the Chief Financial Officer certifying that funds are available;

Authorizing and directing the Chief Financial Officer to transfer appropriations in the amount not to exceed \$2,631,304.13, for reprogramming of CDBG Project Balances to increase the FY 2016 Capital Improvement Project (CIP) Program Budget, in Fund 600000, Grant 1000003-2016, CDBG 2016, contingent upon the Chief Financial Officer certifying that funds are available. The total consists of the following:

- (a) \$588,782.46 from FY 2015 Unobligated CDBG Program
- (b) \$108,570.70 from FY 2014 Unobligated CDBG Program
- (c) \$1,600,000 from Family HC Trng-14
- (d) \$300,000 from YMCA Copley-14
- (e) \$33,950.97 from WBS S-00700 Azalea Park Neigh 07

Authorizing the Chief Financial Officer to add CIP S-15033, San Ysidro Community Park Improvements, and CIP S-15039, Memorial Community Building Clearance Activity, to the Capital Improvements Program;

Authorizing and directing the Chief Financial Officer to increase the FY 2016 Capital Improvement Project (CIP) Program Budget, in Fund 600000, Grant 1000003-2016, CDBG 2016 and to appropriate and expend CDBG Program Balances up to \$3,522,096.11 and FY 2016 CDBG Entitlement funding in an amount not to exceed \$1,960,959.89, from Fund 600000, Grant 1000003-2016, CDBG 2016 in the following stand-alone CIPs and annual allocations:

- (a) S-13003 Chicano Park Comfort Station ADA Upgrades \$740,000
- (b) S-13004 Larsen Field Improvements \$1,000,000
- (c) S-14002 Chollas Lake Park Playground Improvements \$750,000
- (d) S-15033 San Ysidro Community Park Improvements \$561,000
- (e) S-15039 Memorial Community Building Clearance Activity \$650,000
- (f) A-BE.00001 Americans with Disabilities Improvements \$782,056
- (g) A-IL.00001 Traffic Calming \$124,000
- (h) A-IL.00005 Traffic Signal Modification \$350,000
- (i) A-IK.00001 New Walkways \$526,000

for the purpose of construction, contingent upon the adoption of the Fiscal Year 2016 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;

Authorizing and directing the Chief Financial Officer to increase appropriations in Unobligated CDBG, when program income is used for reimbursement of expenditures in place of entitlement funds;

Authorizing and directing the Chief Financial Officer to transfer balances from declined, completed, or ineligible projects to Unobligated CDBG;

Authorizing and directing the Chief Financial Officer to de-appropriate \$882,925, from FY 2012 HOME Program, Fund 600000, Grant 1000432-2012;

Authorizing and directing the Chief Financial Officer to appropriate and expend \$319,315.56, for FY 2013 HOME Program, Fund 600000, Grant 1000432-2013, contingent upon the Chief Financial Officer certifying that funds are available;

Authorizing and directing the Chief Financial Officer to appropriate and expend \$1,077,319.50, for FY 2014 HOME Program, Fund 600000, Grant 1000432-2014, contingent upon the Chief Financial Officer certifying that funds are available.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

All funding for these actions come from the U.S. Department of Housing and Urban Development (HUD). These actions will not result in any fiscal impacts to the City's General Fund. The requested actions include accepting the FY 2016 Entitlement Program funding from HUD and approving the proposed funding recommendations for the City's FY 2016 Community Development Block Grant (CDBG) Program for Public Service, Community/Economic Development, Nonprofit Capital Improvement and City Capital Improvement Projects as well as the allocation of FY 2016 CDBG funding to the San Diego Housing Commission for homeless programs.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

- On October 29, 2014, the Public Safety and Livable Neighborhood Committee Information only item to discuss the criteria for scoring the CDBG RFP applications.
- On February 11, 2015, Infrastructure Committee Information Only Item to discuss CDBG Reprogrammed and FY 2016 Funding for City Capital Improvement Projects.

ACTION: Motion by Councilmember Zapf, second by Vice-Chair Cole, to forward staff's recommendation to City Council.

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

Moreno/Graham

Primary Contact\Phone: Krissy Toft-Maier\619-236-6312; MS 56D

Secondary Contact\Phone: Sima Thakkar\619-236-5902; MS 56D

City Attorney Contact: Reid, Michael T.

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

ITEM-332: Series 2015 A&B Lease Revenue Bonds - Preliminary Official Statement Authorization. (City-wide.)

ITEM DESCRIPTION:

Authorize the form of and distribution of the Preliminary Official Statement for the Lease Revenue Bonds, Series 2015 A&B (Capital Improvement Projects), and authorize the execution, delivery and distribution of the Official Statement.

STAFF'S RECOMMENDATION

Adopt the following resolution:

(R-2015-475)

Approving the form and authorizing the distribution of the preliminary official statement and authorizing the execution, delivery and distribution of the official statement in connection with the issuance and sale by the Public Facilities Financing Authority of the City of San Diego of its Lease Revenue Bonds Series 2015a and Series 2015b; and approving other actions in connection therewith.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

Series 2015 A&B Bonds debt service is projected at approximately \$7.0 million annually in Fiscal Years 2016-2045. These are estimates, subject to change.

PREVIOUS COUNCIL AND/OT COMMITTEE ACTION:

- On March 11, 2014, Resolution No. R-308808 was approved by City Council, authorizing the form and distribution of the Preliminary Official Statement and authorizing the execution, delivery and distribution of the Official Statement - See Item No. 331 to City Council Meeting of March 11, 2014.

- On January 28, 2014, Ordinance No. O-20350 was approved by City Council, authorizing the issuance of the Phase 3 CIP Bonds and the related financing documents - See Report to City Council Number 14-01.
- On January 27, 2014, Resolution No. R-308714 was approved by City Council, authorizing the appropriation and expenditure of Phase 3 CIP Bonds.
- On October 28, 2013, the Infrastructure Committee reviewed and approved the Phase 3 CIP Bond Authorization to advance to City Council - See Infrastructure Committee Report Number 13-087, and Infrastructure Committee Report Number 13-088 - Deferred Capital Bond Funded Program Update.

Kommi/Lewis

Primary Contact\Phone: Lakshmi Kommi\619-236-6928, MS 7B

Secondary Contact\Phone: Jyothi Pantulu\619-236-6917, MS 7B

City Attorney Contact: Will, Brant C.

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-333: Verizon - Wright's Ranch, Project No. 231240. (Black Mountain Ranch Community Plan Area. District 5.)

ITEM DESCRIPTION:

Verizon is proposing a 1,568-square foot faux house which will house up to three wireless carriers' facilities on a vacant lot located at 7595 Montien Road in the AR-1-1 Zone in the community of Santa Luz within the Black Mountain Ranch Community Planning Area.

STAFF'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2014-371)

Adoption of a Resolution with respect to a Building Restricted Easement Vacation on a portion of Parcel 1 of Parcel Map No. 19580, the Council finds that:

- (a) There is no present or prospective public use for the easement, either for the facility or purpose for which it was originally acquired, or for any other public use of a like nature that can be anticipated.
- (b) The public will benefit from the action through improved utilization of the land made available by the vacation.
- (c) The vacation is consistent with any applicable land use plan.
- (d) The public facility or purpose for which the easement was originally acquired will not be detrimentally affected by the vacation or the purpose for which the easement was acquired no longer exists.

Vacating the Building Restricted Easement located within a portion of Parcel 1 of Map No. 19580 the Black Mountain Ranch Community Planning area in connection with Neighborhood Use Permit (NUP) No. 1088557 and Planned Development Permit (PDP) No. 1378745, as more particularly described in the legal description marked as Exhibit "A," and shown on Drawings Nos. 37620-1-B and 37620-2-B, marked as Exhibit "B," which are by this reference incorporated herein and made a part hereof;

Directing the Development Services Department to record a certified copy of this Resolution with attached exhibits, attested by the City Clerk under seal, in the Office of the County Recorder.

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

Subitem-B: (R-2014-372 COR. COPY)

Adoption of a Resolution adopting the following written findings with respect to Neighborhood Use Permit (NUP) No. 1088557 and Planned Development Permit (PDP) No. 1378745:

- I. Neighborhood Use Permit - San Diego Municipal Code Section 126.0205
- II. Planned Development Permit - San Diego Municipal Code Section 126.0604

Approving NUP No. 1088557 and PDP No. 1378745 based on the findings hereinbefore adopted by the City Council, with the form, exhibits, terms and conditions as set forth in Permit No. 1088557/1378745, a copy of which is attached hereto and made a part hereof.

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

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

None. All costs associated with the processing of this project are paid through a deposit account maintained by the applicant.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: None.

Vacchi\Graham\kl

Primary Contact\Phone: Karen Lynch\619-446-5351, MS 501
Secondary Contact\Phone: Alex Hempton\619-446-5349, MS 501
City Attorney Contact: Thomas, Shannon M.

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT