

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

**Tuesday, April 14, 2015**

**AGENDA FOR THE  
REGULAR COUNCIL MEETING OF  
TUESDAY, APRIL 14, 2015, AT 10:00 AM  
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. 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.**

**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:

03/09/2015

03/10/2015

PROCLAMATIONS/CEREMONIAL ITEMS

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

ITEM-30: USO San Diego Volunteer Appreciation Day.

**PRESENTED BY COUNCILMEMBER ZAPF:**

Proclaiming April 14, 2015, to be "USO San Diego Volunteer Appreciation Day" in the City of San Diego.

ITEM-31: Livewell San Diego Day.

**PRESENTED BY COUNCILMEMBER CATE:**

Proclaiming April 14, 2015, to be "Livewell San Diego Day" in the City of San Diego.

ITEM-32: Don Diego VFW Post 7420 Day.

**PRESENTED BY COUNCILMEMBER ALVAREZ:**

Proclaiming April 14, 2015, to be "Don Diego VFW Post 7420 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: Janet C. Kaye Day.

**COUNCILMEMBER SHERMAN'S RECOMMENDATION:**

Proclaiming April 25, 2015, to be "Janet C. Kaye Day" in the City of San Diego.

ITEM-34: Ken-Seaton Msemaji & Fahari Jeffers Day.

**COUNCILMEMBER ALVAREZ'S RECOMMENDATION:**

Proclaiming March 27, 2015, to be "Ken-Seaton Msemaji & Fahari Jeffers 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: Request to Exempt one Program Manager position from the Classified Service in the Transportation & Storm Water Department.

**ITEM DESCRIPTION:**

Authorize an Ordinance exempting one Program Manager position in the Transportation & Storm Water Department from the Classified Service to coordinate and administer the Department's growing fiscal operations.

**STAFF'S RECOMMENDATION:**

Introduce the following ordinance:

(O-2015-91)

Introduction of an Ordinance receiving and reviewing a Memorandum from Personnel Director Hadi Dehghani, dated March 9, 2015, which documents that, on March 5, 2015, the City's Civil Service Commission reviewed and favorably commented on a proposal from the Department to exempt one Program Manager position from the Classified Service. The Program Manager position will be responsible for managing the Department's fiscal planning, including the Department's Operating and Capital Improvement Project Budgets as well and other funding sources. The Program Manager will also be responsible for developing, coordinating, and implementing policies to improve operational efficiencies;

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 Manager position in the Department, performing the duties set forth in the March 9, 2015, Memorandum from Personnel Director Hadi Dehghani to the Honorable Council President and Council, and in this ordinance.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

This new Unclassified position's annual cost of \$164,000, including salary and fringe will be funded by the Transportation & Storm Water Department's Operating Budget.

**PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:** None.

McFadden/LoMedico

Primary Contact\Phone: Hasan Yousef\619-533-3012, MS 608  
Secondary Contact\Phone: Gabriel Rubi\619-533-3717, MS 608  
City Attorney Contact: Dawson, Joan F.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- \* ITEM-100: Authorization of Consultant Services Agreement with HDR Engineering, Inc., for Environmental Engineering Services Related to Beneficial Use of Landfill Gas. (Citywide.)

**ITEM DESCRIPTION:**

The Environmental Services Department (ESD) is requesting an Agreement not to exceed \$250,000 with HDR Engineering, Inc., to provide Consultant Services related to the beneficial use of landfill gas, as ESD examines existing landfill gas to energy agreements and explores the prospect of new landfill gas to energy projects at City landfills.

**STAFF'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2015-521 Cor. Copy) (Rev. 4/9/15)

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City, an Agreement with HDR Engineering, Inc., for environmental engineering services related to the beneficial use of landfill gas, for a period of four (4) years, in an amount not to exceed \$250,000, under the terms and conditions set forth in the Agreement;

Authorizing the Chief Financial Officer to appropriate and expend an amount not to exceed \$250,000 from Non-General Funds 700039, 200224, and 700001, solely and exclusively, to provide funds for the Agreement, contingent upon Council approval of the Annual Appropriations Ordinance for the applicable fiscal year, and 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. (Rev. 4/9/15)

Subitem-B: (R-2015-522)

Determining that the Project is categorically exempt from California Environment Quality Act (CEQA) pursuant to CEQA Guidelines Section 15306 and that an exception to the exemption does not apply;

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

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

This action will authorize the expenditure of an amount not to exceed \$250,000 from three (3) Non-General Funds. The total amount expended from each of the three (3) Non-General Funds shall not exceed \$85,000 from Fund No. 700039, \$75,000 from Fund No. 200224, and \$90,000 from Fund No. 700001.

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

This item was heard at the Environment Committee meeting on March 25, 2015.

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

**VOTE:** 3-0; Alvarez-yea, Cate-yea, Gloria-yea, Emerald-not present.

Sierra/LoMedico

Primary Contact\Phone: Stephen Grealy\858-573-1275, MS 1103A

Secondary Contact\Phone: Ray Purtee\858-573-1208, MS 1103A

City Attorney Contact: Guy, Amanda L.

\* ITEM-101: Cooperative Hydrogeologic Investigations Agreement with United States Geological Survey (USGS).

**ITEM DESCRIPTION:**

Authorize the execution of a three-year Cooperative Hydrogeologic Investigations Agreement with United States Geological Survey (USGS) for an amount not to exceed \$1,212,005, to complete the final synthesis and reporting of the San Diego Hydrogeology Project.

**STAFF'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2015-448)

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City, a Joint Funding Agreement with United States Geological Survey (USGS), for the Cooperative Hydrogeologic Investigations of the San Diego Formation and the San Pasqual Basin (Agreement), in an amount not to exceed \$1,212,005 over three years for the project described in this resolution, under the terms and conditions set forth in the Agreement;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$1,212,005 from Water Utility Operating Fund 700011 for the purpose of funding the Agreement with USGS, contingent upon adoption of the Annual Appropriation Ordinance for the applicable fiscal year, and contingent upon the City Comptroller furnishing one or more certificates certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasurer:

- (a) \$690,725 in Fiscal Year 2016;
- (b) \$349,579 in Fiscal Year 2017; and
- (c) \$171,701 in Fiscal Year 2018, for a total expenditure of \$1,212,005.

Subitem-B: (R-2015-526)

Determining that the Project is categorically exempt from California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15306, and that an exception to the exemption does not apply;

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

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

Total cost of this Joint Funding Agreement is not to exceed \$3,025,346. United States Geological Survey (USGS) will provide \$601,336, Sweetwater Authority (SWA) will fund \$1,212,005, and the City's total cost is not to exceed \$1,212,005 and will be expended over the three year duration of this Agreement. It is anticipated that \$690,725 will be spent in FY 2016, \$349,579 in FY 2017, and \$171,701 in FY 2018. Funding will be available in Water Utility Operating Fund 700011, contingent upon adoption of the Annual Appropriation Ordinance for the applicable fiscal year, and contingent upon City Comptroller furnishing one or more certificates certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

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

- On December 2013, the City Council approved the 2012 Long-Range Plan (R-308636), and on March 2004, the first Joint Funding Agreement with the USGS was approved by Mayoral Action (C-12590).

- In June 2014, a presentation was made by the department and USGS to the Environment Committee to provide an update regarding USGS water resource investigations and City Council authorized the Amendment to the existing Monitoring Agreement with the USGS for water resource investigation (R-309040).

- This item was heard at the Environment Committee meeting on March 25, 2015.

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

**VOTE:** 3-0; Alvarez-yea, Cate-yea, Gloria-yea, Emerald-not present.

Wright-Travis/LoMedico

Primary Contact\Phone: George Adrian\619-533-4680, MS 906

Secondary Contact\Phone: Marsi A. Steirer\619-533-4112, MS 906

City Attorney Contact: Palmucci, Raymond C.

\* ITEM-102: Agreement with CDM Smith, Inc., for preparing 2015 Urban Water Management Plan (UWMP), H146184.

**ITEM DESCRIPTION:**

Council approval to award a Contract for professional water management services related to research, development, preparation, and submission of the City's 2015 Urban Water Management Plan (UWMP) in compliance with the Urban Water Management Planning Act (Act), Water Code Sections 10610 through 10657, to prepare and adopt an updated UWMP every five years. The 2015 UWMP deadline for submittal to the State is July 1, 2016.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2015-444)

Authorizing the Mayor, or his designee, to execute an Agreement with CDM Smith Inc., for the preparation of the 2015 Urban Water Management Plan, in an amount not to exceed \$278,949 for the project described in this resolution, under the terms and conditions set forth in the Agreement;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$278,949 over five years from Water Utility Operating Fund 700011 for the purpose of funding the water management planning consulting services, contingent upon approval of the Appropriation Ordinance for the applicable fiscal year, providing the City Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditures are, or will be, on deposit with the City Treasurer.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

The total contract is not to exceed \$278,949 over five (5) years. Funding for the \$278,949 is available from the Water Utility Operating Fund 700011.

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

This item was heard at the Environment Committee meeting on March 25, 2015.

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

**VOTE:** 3-0; Alvarez-yea, Cate-yea, Gloria-yea, Emerald-not present.

Wright-Travis/LoMedico

Primary Contact\Phone: George Adrian\619-533-4680, MS 906

Secondary Contact\Phone: Marsi A. Steirer\619-533-4112, MS 906

City Attorney Contact: Palmucci, Raymond C.

\* ITEM-103: Community Projects, Programs, and Services funding allocation to the Talmadge Watch: Volunteer Citizens Patrol. (District 9.)

**ITEM DESCRIPTION;**

Approval of the funding allocation from Council District 9 along with authorization from the City Council are requested to allow the Mayor, or his designee, to enter into an Agreement with the Talmadge Watch: Volunteer Citizens Patrol for an amount not to exceed \$16,000, for the Anti-Graffiti Program; Dusk-to-Dawn Lighting Project and general volunteer patrol expenses.

**COUNCIL PRESIDENT PRO TEM EMERALD'S RECOMMENDATION:**

Adopt the following resolution:

(R-2015-520)

Declaring that the allocation described in this Resolution is made for a public purpose;

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

Authorizing and directing the Mayor, or his designee, to execute, for and on behalf of the City, a Community Projects, Programs, and Services FY 2015 City Council Allocations Agreement between the City of San Diego and the Talmadge Watch: Volunteer Citizens Patrol (Agreement) in an amount not to exceed \$16,000 for the project described in this resolution, under terms and conditions set forth in the Agreement;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$16,000 from the Community Projects, Programs, and Services Budget Fund No. 100000, Cost Center No. 1109110009, 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:**

\$16,000 in Community Projects, Programs, and Services Funding from the following Fund/Costs Centers: Fund No. 100000, Cost Center No. 1109110009, for the purpose of funding the Anti-Graffiti Program; Dusk-to-Dawn Lighting Project, and general volunteer patrol expenses.

**PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:** None.

Flores

Primary Contact\Phone: Marisa Berumen\619-236-7754

Secondary Contact\Phone: Lori Witzel\619-236-6442

City Attorney Contact: Dugard, Prescilla

\* ITEM-104: Request for additional fees for outside counsel in litigation entitled *Brit UW Limited v. City of San Diego, et al.* Risk Management File No. 10097.

**ITEM DESCRIPTION:**

This is a lawsuit for declaratory judgment by Brit UW Limited resulting from an insurance coverage dispute. City is requesting additional fees for outside counsel.

**CITY ATTORNEY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2015-547 Cor. Copy) (Rev. 4/10/15)

Authorizing an additional \$250,000 for outside counsel Procopio, Cory, Hargreaves & Savage LLP to provide insurance coverage representation in connection with *Brit UW Ltd. v. City of San Diego, et al.*, Case Number 14cv2195 JM (WVG);

Authorizing the Chief Financial Officer to expend up to an additional \$250,000 from the Public Liability Fund 720045, contingent upon the Chief Financial Officer first furnishing one or more certificates certifying that the funds necessary for this expenditure are, or will be, on deposit with the City Treasurer.

**SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

Authorizing an additional \$250,000 for a total of \$350,000 to the Law Firm of Procopio, Cory, Hargreaves & Savage LLP for insurance coverage representation to be paid from the Public Liability Fund, Fund 720045.

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

The item was approved at the Closed Session meeting on October 21, 2014.

Bamberg

Primary Contact\City Attorney\Phone: Bonny Hsu\619-533-6371

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. 4/8/15)**

ITEM-330: Presentation of the Mayor's Fiscal Year 2016 Proposed Budget.

**ITEM DESCRIPTION:**

In accordance with Charter Section 265(b)(14), the Mayor is required to propose a budget to the Council and to make that budget available to the public no later than April 15. This is an informational presentation of the Mayor's Fiscal Year 2016 Proposed Budget.

**STAFF'S RECOMMENDATION:**

Information item only.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

None.

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

None.

Canizal/Lewis

Primary Contact\Phone: Tracy McCraner\619-236-6218, MS 8A

Secondary Contact\Phone: Julio Canizal\619-236-5932, MS 8A

**The following item will be considered in the afternoon session which is scheduled to begin at 2:00 p.m. (Rev. 4/8/15)**

ITEM-331: Update on the City Strategic Plan and Performance Indicators for the Fiscal Year 2016 Proposed Budget.

**ITEM DESCRIPTION:**

This report provides an overview of the new City Strategic Plan and status of the Fiscal Year 2016 performance indicators by showing their Fiscal Year 2014 targets and actuals, Fiscal Year 2015 estimates, and Fiscal Year 2016 targets.

**STAFF'S RECOMMENDATION:**

Information item only.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

None.

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

This item was heard at the February 25, 2015, meeting of the Budget and Government Efficiency Committee and is now being forwarded to full Council.

No Action Taken.

Udrys/LoMedico

Primary Contact\Phone: Karen Dennison\619-236-7176, MS 8A

Secondary Contact\Phone: Almis Udrys\619-236-5929, MS 9A

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

RESOLUTIONS:

**The following item will be considered in the afternoon session which is scheduled to begin at 2:00 p.m. (Rev. 4/8/15)**

ITEM-332: A Resolution of the San Diego City Council approving the Memorandum of Understanding between the City and the San Diego Police Officers Association regarding terms and conditions of employment for Fiscal Years 2016 through 2020.

**ITEM DESCRIPTION:**

This item approves a successor five-year Memorandum of Understanding between the City and the San Diego Police Officers Association regarding terms and conditions of employment for Fiscal Years 2016 through 2020.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2015-525)

Approving and ratifying the Memorandum of Understanding between the City and the Police Officers Association (POA) for Fiscal Years 2016 through 2020, pursuant to the authority of the Meyers-Milias-Brown Act (MMBA) and Council Policy 300-06.

**NOTE: 6 votes required pursuant to Section 11.2 of the City Charter.**

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

POA - represented employees will receive non-pensionable compensation increases consistent with the San Diego Charter requirements set forth in Section 70.2 projected in the amount of \$11.1 million in Fiscal Year 2016, \$13.1 million in Fiscal Year 2017, \$19.8 million in Fiscal Year 2018, \$17.0 million in Fiscal Year 2019, and \$13.7 million in Fiscal Year 2020. In addition, Police Officers Association (POA) - represented employees will receive pensionable salary increases of 3.3 percent in Fiscal Years 2019 and 2020, with a projected impact of \$5.7 million in Fiscal Year 2019 and \$11.5 million in Fiscal Year 2020. Effective June 30, 2020, the holiday credit on day off will be restored, estimated at an annual cost of \$2.3 million. The POA has the option to reopen the Memorandum of Understanding (MOU) to meet and confer in Fiscal Years 2019 and 2020.

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

Item No. 202, San Diego City Council Agenda for March 23, 2015 - Tentative Agreement between the City and the San Diego Police Officers Association;  
R-308476, approved October 15, 2013 - Approving the MOU with the San Diego Police Officers Association regarding terms and conditions of employment for Fiscal Years 2014 through 2018.

von Kalinowski/Villa

Primary Contact\Phone: Judy von Kalinowski\619-236-6313  
Secondary Contact\Phone: Karen DeCrescenzo\619-235-5802  
City Attorney Contact: Dawson, Joan F.

**NON-DOCKET ITEMS**

**ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES**

**ADJOURNMENT**