

# CITY OF SAN DIEGO COUNCIL DOCKET



## COUNCIL PRESIDENT

**Sherrri 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, May 12, 2015**

**AGENDA FOR THE  
REGULAR COUNCIL MEETING OF  
TUESDAY, MAY 12, 2015, AT 2:00 PM  
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@saniego.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 2:00 p.m. The City Council will meet in Closed Session this morning from 1:00 p.m. – 2:00 p.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:

03/30/2015 - Adjourned  
03/31/2015 - Adjourned  
04/06/2015  
04/07/2015

**PROCLAMATIONS/CEREMONIAL ITEMS**

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

ITEM-30: Water Awareness Month.

**PRESENTED BY MAYOR FAULCONER AND COUNCIL PRESIDENT LIGHTNER:**

Proclaiming the month of May 2015, to be "Water Awareness Month" in the City of San Diego.

ITEM-31: National Travel and Tourism Week.

**PRESENTED BY MAYOR FAULCONER AND COUNCIL PRESIDENT LIGHTNER:**

Proclaiming May 2, 2015, through May 10, 2015, to be "National Travel and Tourism Week" in the City of San Diego.

ITEM-32: Asian Pacific American Public Affairs Association Day.

**PRESENTED BY COUNCILMEMBER GLORIA AND COUNCILMEMBER CATE:**

Proclaiming May 12, 2015, to be "Asian Pacific American Public Affairs Association Day" in the City of San Diego.

ITEM-33: Elizabeth Campbell Day.

**PRESENTED BY COUNCILMEMBER KERSEY:**

Proclaiming May 12, 2015, to be "Elizabeth Campbell 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-34: League House of La Jolla Day.

**COUNCIL PRESIDENT LIGHTNER'S RECOMMENDATION:**

Proclaiming May 17, 2015, to be "League House of La Jolla Day" in the City of San Diego.

ITEM-35: Law Day.

**COUNCIL PRESIDENT LIGHTNER'S RECOMMENDATION:**

Proclaiming May 1, 2015, to be "Law Day" in the City of San Diego.

ITEM-36: Fair Housing Month.

**COUNCILMEMBER GLORIA'S RECOMMENDATION:**

Proclaiming April 2015, to be "Fair Housing Month" in the City of San Diego.

ITEM-37: San Diego Housing Federation Day.

**COUNCILMEMBER GLORIA'S RECOMMENDATION:**

Proclaiming April 24, 2015, to be "San Diego Housing Federation Day" in the City of San Diego.

ITEM-38: San Diego Bonsai Club Day.

**COUNCILMEMBER GLORIA'S RECOMMENDATION:**

Proclaiming April 25, 2015, to be "San Diego Bonsai Club Day" in the City of San Diego.

ITEM-39: Scripps Ranch Relay for Life Day.

**COUNCILMEMBER KERSEY'S RECOMMENDATION:**

Proclaiming June 27, 2015, to be "Scripps Ranch Relay for Life Day" in the City of San Diego.

ITEM-40: Colonel John P. Farnam Day.

**COUNCILMEMBER KERSEY'S, COUNCILMEMBER CATE'S, AND  
COUNCILMEMBER SHERMAN'S RECOMMENDATION:**

Proclaiming August 28, 2015, to be "Colonel John P. Farnam 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: An ordinance amending Chapter 2, Article 2, Division 18 of the San Diego Municipal Code by amending Section 22.1801; amending Chapter 2, Article 2, Division 24 by retitling Division 24 to read "Development Services Department, Planning Department, and Economic Development Department;" amending Section 22.2402 and adding new Section 22.2403, related to the new Economic Development Department.

**ITEM DESCRIPTION:**

The proposed ordinance would amend the San Diego Municipal Code to codify the establishment of an Economic Development Department separate from the Planning Department, each department having its own department director with separate relevant duties assigned.

**STAFF'S RECOMMENDATION:**

Introduce the following ordinance:

(O-2015-87)

Introduction of an Ordinance amending Chapter 2, Article 2, Division 18 of the San Diego Municipal Code by amending Section 22.1801; amending Chapter 2, Article 2, Division 24 by retitling Division 24 to read "Development Services Department, Planning Department, and Economic Development Department;" amending Section 22.2402 and adding new Section 22.2403, related to the new Economic Development Department.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

None with this action. Both the Planning and Economic Development Departments have been budgeted separately in the FY 2015 Budget.

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

This item was heard at the Economic Development and Intergovernmental Relations Committee meeting on March 19, 2015, and forwarded to the full Council with a recommendation to approve.

ACTION: Motion by Councilmember Lightner, second by Councilmember Cate, to approve.

VOTE: 4-0; Cole-yea, Kersey-yea, Lightner-yea, Cate-yea.

Moreno/Graham

Primary Contact\Phone: Russ Gibbon\619-236-6350

Secondary Contact\Phone: Lydia Moreno\619-236-6320

City Attorney Contact: Malcolm, Katherine Anne

\* ITEM-51: Second Amendment to Office Lease at 525 B Street, San Diego, CA 92101.  
(Downtown Community Area. District 3.)

**ITEM DESCRIPTION:**

Entering into a Second Amendment to an existing Office Lease at 525 B Street, San Diego, California 92101, for the City to expand into the entire 12th floor (19,684 SF) and extend the Original lease on 90,778 SF, plus storage space, for one additional year now ending June 30, 2020.

**STAFF'S RECOMMENDATION:**

Introduce the following ordinance:

(O-2015-101)

Introduction of an Ordinance authorizing and directing the Mayor, or his designee, to execute, deliver, and take all actions necessary to facilitate the administration of that certain Second Amendment to Lease between Hines 525 B Street LP, a Delaware Limited Partnership, as landlord, and the City of San Diego, as tenant;

Authorizing the Chief Financial Officer to expend: (1) funds for the payment of rent for the Expansion Space, and as otherwise required by the Lease and Second Amendment, in an amount of up to \$1,963,283 in Fiscal Years 2016-2020 from Public Works Department Fund 720057; and (2) funds for the Fiscal Year 2020 Lease Extension, and as otherwise required by the Lease and Second Amendment, in an amount of up to \$1,794,696 with 47.66% of said amount coming from Public Works Department Fund 720057; 12.71% of said amount coming from Muni Sewer Revenue Fund 700000; 7.27% of said amount coming from Metro Sewer Utility Fund 700001; and 32.36% of said amount coming from Water Utility Operating Fund 700011 all of which funds shall be contingent upon the adoption of the Fiscal Year 2016 Appropriation Ordinance and upon the Chief Financial Officer furnishing a certificate certifying that the funds necessary for the expenditures are, or will be, on deposit with the City Treasurer.

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

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

Fiscal Year 2016 - \$234,240

Fiscal Year 2017 - \$413,364

Fiscal Year 2018 - \$425,175

Fiscal Year 2019 - \$439,347

Fiscal Year 2020 - \$451,157

City and Landlord also agreed to extend the Original Lease by one additional year on all City leased spaces at 525 B Street (including storage space) from July 1, 2019, to June 30, 2020.

FY 2020 - \$1,794,688. Estimated costs do not include increases in operating expenses over the 2014 Base Year. New base rent fixed at \$1.61/SF/month full service gross on 90,778 SF (\$146,152.58/month) plus storage space at \$.65/SF/month on 5,239 SF (\$3,404.35/month).

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

- San Diego Ordinance O-20273, July 9, 2013, authorizing the original six-year lease.
- San Diego Ordinance O-20324, December 9, 2013, authorizing the First Amendment and early termination of lease.
- This item was heard at the Smart Growth and Land Use Committee meeting on April 22, 2015.

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

**VOTE:** 3-0; Zapf-yea, Gloria-yea, Sherman-yea, Alvarez-not present.

Thompson/Villa

Primary Contact\Phone: Cybele Thompson\619-236-6145

Secondary Contact\Phone: Brad Bennett\619-236-6191

City Attorney Contact: Bevier, Debra J.

\* ITEM-52: Amendment No. 2 to Cooperative Agreement with Caltrans for the Construction of State Route 163/Clairemont Mesa Boulevard Interchange - Phase 2. (Kearny Mesa Community Area. District 7.)

**ITEM DESCRIPTION:**

This action is to authorize Amendment No. 2 to the Cooperative Agreement with Caltrans for the administration and construction of State Route 163/Clairemont Mesa Boulevard Interchange - Phase 2 in the amount not to exceed \$142,000. On December 11, 2014, Caltrans opened bids for the construction of State Route 163/Clairemont Mesa Boulevard. This Agreement will provide funding for the additional costs associated with construction based upon the low bid exceeding the engineer's estimate.

**STAFF'S RECOMMENDATION:**

Introduce the following ordinance:

(O-2015-102)

Introduction of an Ordinance authorizing the Mayor, or his designee, to execute for and on behalf of the City the Second Amendment to the Cooperative Agreement with Caltrans for the purpose of completing Phase 2 of the State Route 163 and Clairemont Mesa Boulevard Interchange under the terms and conditions set forth in the Agreement;

Authorizing the expenditure of an amount not to exceed \$142,000 from CIP S-00905, State Route 163 and Clairemont Mesa Boulevard Interchange - Phase 2, from Fund 400174 - RTCIP for the purpose of providing funds for the above-referenced Project, 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;

Certifying that this activity is adequately addressed in the New Century Center FEIR Project No. 96-0165 (SCH No. 96031091, dated 9/25/97). The activity is part of a series of subsequent discretionary actions and therefore is not considered a separate project for the purposes of California Environmental Quality Act (CEQA) review as defined in State CEQA Guidelines Section 15378. Pursuant to Section 15162 of CEQA, there is no change in circumstance, additional information or project changes to warrant additional environmental review.

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

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

Previously, City Council had approved the Cooperative Agreement for an amount not to exceed \$8,900,000 and Amendment No. 1 to the Cooperative Agreement for an amount not to exceed \$1,700,000. This action will authorize the expenditure of \$142,000 from CIP S-00905, State Route 163/Clairemont Mesa Boulevard Interchange, Fund 400174 - Regional Transportation Congestion Improvement Program (RTCIP) for the purpose of executing Amendment No. 2 to the Cooperative Agreement with Caltrans. All the above agreements were for the purpose of constructing State Route 163/Clairemont Mesa Boulevard Interchange - Phase 2.

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

- On April 10, 2012, per Ordinance O-20147, the City entered into a Cooperative Agreement with Caltrans for the construction of State Route 163/Clairemont Mesa Boulevard Interchange - Phase 2.
- On June 10, 2014, per Resolution R-309001, the City authorized Amendment No.1 to Cooperative Agreement with Caltrans for the construction of State Route 163/Clairemont Mesa Boulevard Interchange - Phase 2.
- On April 23, 2015, this item was approved at the Infrastructure Committee meeting.

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

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

Gibson/LoMedico

Primary Contact\Phone: Richard Leja\619-533-5112, MS 908A  
Secondary Contact\Phone: Luis Schaar\619-533-7492, MS 908A  
City Attorney Contact: Gerrity, Ryan P.

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

- \* ITEM-53: Grant Amendment No. 2 to the Local Government Partnership Contract with San Diego Gas and Electric Company.

**ITEM DESCRIPTION:**

This action is to approve Grant Amendment No.2 (“Amendment”) to the previous Agreement to jointly Deliver the City of San Diego Partnership 2010-2015 Energy Efficiency Program (the “Agreement”). This Amendment is between the City of San Diego and San Diego Gas & Electric Company (“SDG&E”), and this agreement provides funding of a \$1,068,000 reimbursable grant to the City to be expended from January 1, 2015, to December 31, 2015, in order to support the goals set forth by the California Public Utilities Commission (CPUC) “Energy Efficiency Strategic Plan”.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 4/21/2015, Item 50. (Council voted 8-0. Councilmember Alvarez not present):

(O-2015-90)

Authorizing the Mayor to execute, for and on behalf of the City, the Second Amendment to the Agreement with San Diego Gas and Electric Company (SDG&E) for the purpose of continuing the City of San Diego Local Government Partnership Energy Efficiency Program for Program Year 2015 under the terms and conditions set forth in the Second Amendment to Agreement, together with any reasonably necessary modifications or amendments thereto which do not increase project scope or cost and which the Mayor shall deem necessary from time to time in order to carry out the purposes and intent of this Project and Agreement;

Authorizing the Chief Financial Officer to accept for Program Year 2015 funds in an additional amount up to \$1,068,000 from the California Public Utilities Commission (CPUC), via SDG&E, under its Local Government Partnership Program with the City, and to appropriate and expend such funds, as determined by the Mayor, or his designee, in accordance with and subject to CPUC Program Guidelines for the following objectives as more specifically set forth in the Amendment:

- a) Design and consult and support for energy efficiency improvements in Municipal facilities and operations.
- b) Codes and Standards Updates.
- c) Community Education and Outreach.
- d) San Diego Regional Energy Partnership Programs.

Authorizing the Mayor, or his designee, subject to CPUC guidelines and the San Diego Municipal Code to take all necessary actions to administer, monitor, and manage the Second Amendment to the Local Government Partnership Agreement with SDG&E and when required, develop, advertise, negotiate, and award contracts with third parties to implement the program components authorized by SDG&E.

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

- \* ITEM-54: Consideration of an Ordinance amending Chapter 2, Article 3, Division 11, of the San Diego Municipal Code by adding Section 23.1112, related to amending Civil Service Rule X to add Hourly Sick Leave (Assembly Bill 1522). (Citywide.)

**ITEM DESCRIPTION:**

Approve an Ordinance amending Chapter 2, Article 3, Division 11, of the San Diego Municipal Code by adding Section 23.1112, related to amending Civil Service Rule X to add Hourly Sick Leave (Assembly Bill 1522).

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 4/27/2015, Item 201. (Council voted 9-0):

(O-2015-94)

Amending Chapter 2, Article 3, Division 11, of the San Diego Municipal Code by adding Section 23.1112, related to amending Civil Service Rule X to add Hourly Sick Leave (Assembly Bill 1522).

\* ITEM-55: **NOTE:** This item has been removed from today's docket. (Rev. 5/7/15)

- \* ITEM-56: Authorizing an Uncodified Amendment to hang holiday pennants for the purpose of celebrating the Portuguese Festa do Espirito Santo through the year 2020.  
(Peninsula Community Area. District 2.)

**ITEM DESCRIPTION:**

Authorize an Uncodified Amendment for the hanging of holiday pennants for the purpose of celebrating the Portuguese Festa do Espirito Santo through the year 2020.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 4/28/2015, Item 51. (Council voted 9-0):

(O-2015-98 Cor. Copy)

Declaring that, notwithstanding San Diego Municipal Code Section 142.1255(g)(9), United Portuguese S.E.S. may string small lightweight plastic pennants without logos or messages in the public right-of-way along the designated Festa for one three-day festival occurring between May 1, and June 15, each year from 2015-2020, subject to the terms, conditions, and restrictions of an Encroachment Maintenance and Removal Agreement issued pursuant to Municipal Code Section 129.0715, and approved by the City Engineer and City Fire Marshal. Each year, the pennants may be hung up to two weeks prior to the Festa, and must be taken down no later than two weeks after the Festa;

Declaring that the Encroachment Maintenance and Removal Agreement shall include a detailed description of the location and manner in which the pennants shall be placed, shall require that the pennants be placed, installed, and maintained to the satisfaction of the City Engineer and City Fire Marshal and shall be removed immediately upon the request of the City Engineer or City Fire Marshal, and shall include indemnification and insurance provisions as required by the City;

Declaring that the pennants permitted under this ordinance shall comply with the regulations set forth in Municipal Code Sections 142.1255(g)(7), (8), (10), and (11), except that pennants may be attached to trees in the public right-of-way;

Declaring that the installation of pennants permitted under this ordinance shall not obstruct the ingress or egress from private property, and nothing in this ordinance shall authorize the attachment of pennants to private property;

Declaring that the pennants permitted under this ordinance shall not include copy, i.e., shall not carry messages, logos, pictures or depictions;

Declaring that the provisions of this ordinance shall not apply to any areas within the designated Coastal Zone.

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCES TO BE INTRODUCED WITH RESOLUTIONS TO BE ADOPTED:

\* ITEM-60: Master Lease Agreement to Fund Projects and Equipment. (Citywide.)

**ITEM DESCRIPTION:**

Approve the form of and execution of the Master Lease Agreement, in an amount not to exceed \$14.1 million, with Banc of America Public Capital Corp (“BAPCC”) to finance various essential projects and equipment needs.

**STAFF'S RECOMMENDATION:**

Introduce the following ordinance and adopt the resolution:

Subitem-A: (O-2015-103)

Introduction of an Ordinance authorizing and directing the Mayor, the Chief Operating Officer, the Chief Financial Officer or any of their designees, to execute, for and on behalf of the City of San Diego, a Master Lease Agreement with BAPCC for the purpose of financing the acquisition of essential projects and equipment. The Master Lease Agreement shall be substantially in the form presented to this Council, with such additions and changes therein as the Chief Operating Officer or Chief Financial Officer, in consultation with the City Attorney, shall approve as being in the best interest of the City; provided however that: (i) the acquisition cost of projects and equipment financed under the Master Lease Agreement shall not exceed \$14,100,000; and (ii) the interest rate on any such financed projects and equipment shall not exceed six percent (6%) annually;

Declaring that the City’s project and equipment needs as described in the Report shall be financed under the Agreement;

Authorizing the Chief Operating Officer or Chief Financial Officer to revise the list of projects and equipment to be financed under the Agreement where such changes are in the best interest of the City.

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

Subitem-B: (R-2015-594)

Finding and determining that the forgoing recitals are true and correct;

Declaring that this Declaration of Intent is made solely for the purpose of establishing compliance with Section 1.150-2 of the Treasury Regulations, and in accordance therewith the City declares its intention to incur Obligations, the proceeds of which will be used to pay, in part, for the costs of the Project (and related issuance costs, if any), including the reimbursement to the City for certain capital expenditures relating to the Project made prior to incurring the Obligations, provided however that this Declaration of Intent does not bind the City to make any expenditure, incur any indebtedness, or proceed with the Project;

Declaring that this Declaration of Intent shall take effect from and after the date of its adoption.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

The semi-annual lease payments for the CNG Refueling Station, Barge, Computer Aided Dispatch (CAD) system, and Project Tracking System (PTS) will be made from the respective departments' operating budgets.

Future lease payments will be included in future budgets and City Council approval will be obtained through the annual budget process. The actual fiscal impact will depend on the actual amounts and timing of the draws, fixed interest rate based on the index level at the time of funding of vendor payment, and the final repayment schedules.

The City would be under no obligation to draw down the full amount established under the line of credit. There is no commitment fee for establishing and maintaining the funding amount through the term of the Agreement. If alternate sources of funding are identified, or cash purchases ("pay go") are an option, the City will still have that flexibility.

## Reimbursement Resolution

Due to the logistics, timing of product delivery and nature of the projects and equipment listed above, the City may make vendor payments for some of the components expected to be financed. If City advances these payments, the City is still permitted to get reimbursed from the proceeds through the Master Lease Agreement. In order to do that, the City must adopt a reimbursement resolution in accordance with Section 1.150-2 of Treasury Regulations (“Regulations”). By adopting a reimbursement resolution the City will satisfy the Official Intent Requirement under the Regulations and be able to reimburse project and equipment related expenses using funds available from the lease-purchase agreement with BAPCC. Adoption of the reimbursement resolution will not obligate the City to expend any funds; it merely enables the City to get reimbursed for all qualified project and equipment related expenses that the City fronted in implementing the projects and equipment listed above.

### PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

This item was heard at the Budget and Government Efficiency Committee meeting on April 15, 2015.

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

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

Kommi/Lewis

Primary Contact\Phone: Jyothi Pantulu\619-236-6917

City Attorney Contact: Will, Brant C.

\* ITEM-61: Agreement with GHD Inc. for design and construction support for the Otay 1st and 2nd Pipelines-West of Highland Avenue Project. (Mid City: City Heights and Greater North Park Community Areas. Districts 3 and 9.)

**ITEM DESCRIPTION:**

This action seeks Council authorization to award a Contract for Engineering Design Services and Construction Support of Otay 1st and 2nd Pipelines West of Highland Avenue to GHD Inc. This project consists of replacing approximately 6.31 miles of aged steel, cast iron and asbestos pipes for the Otay 1st and Otay 2nd pipelines.

**STAFF'S RECOMMENDATION:**

Introduce the following ordinance and adopt the resolution:

Subitem-A: (O-2015-79)

Introduction of an Ordinance authorizing the Mayor, or his designee, to establish contract funding phases and execute a phase funded Contract with GHD Inc. for professional services for the design of Otay 1st and 2nd Pipelines West of Highland Avenue project (Project), in CIP S-12016, in an amount not to exceed \$2,120,000, under the terms and conditions set forth in the Agreement, contingent upon the Chief Financial Officer furnishing one or more certificates demonstrating that the funds necessary for expenditure under established contract funding phases are, or will be, on deposit with the City Treasury;

Authorizing the Chief Financial Officer to expend funds under the established contract funding phases in an amount not to exceed \$510,000 for the first phase (FY2015), and \$1,610,000 for subsequent phases through (FY2018) from CIP S-12016, Otay 1st and 2nd Pipelines West of Highland Avenue, Fund 700010, Water, for the purpose of executing this Agreement, contingent upon the approval of the Appropriation Ordinances and contingent upon the Chief Financial Officer demonstrating one or more certificates certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasury;

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.**

Subitem-B: (R-2015-613 Cor. Copy) (Rev. 5/7/15)

Determining that the Project is statutorily exempt from California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15262 (Feasibility & Planning Studies).

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

The total consultant design cost of this project is \$2,120,000 of which \$100,000 is for additional services (total project costs are estimated to be \$29,390,500). Enterprise funding of \$2,120,000 is available in CIP S-12016, Otay 1st and 2nd Pipelines West of Highland Avenue project, Fund 700010, water for this purpose. This project is scheduled to be funded in FY 2015, FY 2016, FY 2017 & FY 2018. The project cost may be reimbursed with current or future financing. Contingent upon the availability of funds, and the approval of the appropriation ordinances, the City Comptroller will issue a Comptroller certificate for each phase of the project. No future funding is anticipated in this Agreement.

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

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

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

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

Nagelvoort/Heinrichs

Primary Contact\Phone: Ahn Nguyen\619-533-4627

Secondary Contact\Phone: Iraj Asgharzadeh\619-533-5105

City Attorney Contact: Mercer, Mark M.

- \* ITEM-62: El Camino Real - Half-Mile to Via de la Valle - Authorize Second Amendment to the Consultant Agreement with RECON Environmental, Inc. (North County Future Urbanizing Area Sub Area II and Fairbanks Ranch Country Club Community Areas. District 1.)

**ITEM DESCRIPTION:**

Executing the Second Amendment to the Agreement with RECON Environmental, Inc., for \$83,397 to complete California Environmental Quality Act (CEQA) requirements for El Camino Real - Half-Mile to Via de la Valle Project.

**STAFF'S RECOMMENDATION:**

Introduce the following ordinance and adopt the resolution:

Subitem-A: (O-2015-104)

Introduction of an Ordinance authorizing that the Mayor, or his designee, to execute for and on behalf of the City the Second Amendment to the Agreement with RECON Environmental, Inc. for environmental services under the terms and conditions set forth in the Agreement;

Authorizing the expenditure of an amount not to exceed \$83,397 from CIP S-00856, El Camino Real-Half Mile to Via de la Valle from Fund 400169 Transnet for the purpose of providing funds for the above-referenced Project, 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.

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

Subitem-B: (R-2015-604)

Declaring that the Second Amendment to the agreement between the City and RECON Environmental Inc. for the El Camino Real - Half Mile to Via de la Valle Project is statutorily exempt from California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15262, Feasibility and Planning Studies.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

\$83,397 is available to fund the Second Amendment to the Consultant Agreement with RECON Environmental, Inc., to complete the (CEQA) requirements for the project and is available from Fund 400169,Transnet. This Amendment will increase the total contract amount to \$353,397.

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

- Council Resolution R-303294, dated January 18, 2008, authorized the expenditure of \$200,000 for the execution of the original consultant contract with RECON Environmental, Inc.
- Council Ordinance O-20015, dated January 18, 2011, authorized acceptance, appropriation and expenditure of \$1,428,000 of Federal Grant Funds and authorized expenditures of \$197,130 for the execution of a First Amendment to the Agreement with Rick Engineering, Inc., and \$70,000 for the execution of a First Amendment to the Agreement with RECON Environmental, Inc.
- O-2015-104, this item was heard at the Infrastructure Committee on April 23, 2015.

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

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

Gibson/LoMedico

Primary Contact\Phone: Abi Palaseyed\619-533-4654, MS 908A  
Secondary Contact\Phone: Brad Johnson\619-533-5120. MS 908A  
City Attorney Contact: Gerrity, Ryan P.

ADOPTION AGENDA, CONSENT ITEMSRESOLUTIONS:

- \* ITEM-100: Reallocation of TransNet Funding– Amendment to 2014 Regional Transportation Improvement Program (RTIP). (Citywide.)

ITEM DESCRIPTION:

This action will authorize budget adjustments to TransNet Funded Projects and provide the required City Council resolutions to authorize the Amendment to the 2014 Regional Transportation Improvement Program (RTIP) in compliance with San Diego Association of Governments (SANDAG) Board Policy No. 31, Rule No. 7, Program of Projects Approval Process and Amendments; and will increase the Capital Improvements Program Budget by \$8,765,919.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2015-275)

Authorizing the Mayor, or his designee, to submit to San Diego Association of Governments (SANDAG) revisions to the 2014 Regional Transportation Improvement Program (RTIP) and to approve adjustments to TransNet Funded Projects as required by SANDAG and outlined in the resolutions to follow and as noted on Attachment A, TransNet Fiscal Year 2016 Proposed Budget and Five Year Program of Projects; Attachment B, TransNet Budget Adjustments; Attachment C, Previously Authorized TransNet Budget Adjustments; and Attachment D, Adjustments to City of San Diego Audit Schedule;

Authorizing the Chief Financial Officer to transfer appropriations totaling \$10,492,919 of which \$7,742,919 is within Fund 400169, TransNet Extension, \$750,000 is within Fund 400677, TransNet ARRA; \$500,000 is within Fund 400156, TransNet Prop A; and \$1,500,000 is within Fund 400174, TransNet RTCIP, as detailed on Attachment B, TransNet Budget Adjustments;

Declaring that pursuant to Section 2(C)(1) of the TransNet Extension Ordinance, the City of San Diego certifies that no more than 30 percent of its annual revenues shall be spent on maintenance-related projects;

Declaring that pursuant to Section 4(E)(3) of the TransNet Extension Ordinance, the City of San Diego certifies that all new projects, or major reconstruction projects, funded by TransNet revenues shall accommodate travel by pedestrians and bicyclists, and that any exception to this requirement permitted under the Ordinance and proposed, shall be clearly noticed as part of the City of San Diego's public hearing process;

Declaring that pursuant to Section 8 of the TransNet Extension Ordinance, the City of San Diego certifies that it has included an amount of local discretionary funding for street and road purposes in its Budget for this Fiscal Year that is at least equal to the most recently established minimum maintenance of effort requirement adopted by SANDAG and that it intends to continue to do so in each year of the five-year period covered by the RTIP;

Declaring that pursuant to Section 9A of the TransNet Extension Ordinance, the City of San Diego certifies that it will extract \$2,653, plus all applicable annual increases, from the private sector for each newly constructed residential housing unit in that jurisdiction and shall contribute such exactions to the Regional Transportation Congestion Improvement Program (RTCIP);

Declaring that pursuant to Section 13 of the TransNet Extension Ordinance, the City of San Diego certifies that it has established a separate Transportation Improvement Account for TransNet revenues with interest earned expended only for those purposes for which the funds were allocated;

Declaring that pursuant to Section 18 of the TransNet Extension Ordinance, the City of San Diego certifies that each project of \$250,000 or more will be clearly designated during construction with TransNet Project Funding identification signs;

Certifying that all other applicable provisions of the TransNet Extension Ordinance have been met;

Declaring that the City of San Diego agrees to indemnify, hold harmless, and defend SANDAG, the San Diego County Regional Transportation Commission, and all officers and employees thereof against all causes of action or claims to local TransNet Funded Projects;

Authorizing the Chief Financial Officer to increase the Capital Improvements Program Budget in CIP S00871, West Mission Bay Drive Bridge over San Diego River, and to appropriate and expend \$6,400,000 from Fund 200385, Sea World Traffic Mitigation, for the purpose of providing grant matching funds;

Authorizing the Chief Financial Officer to increase the Capital Improvements Program Budget in CIP S00877, Torrey Pines Road Slope Restoration, and to appropriate and expend \$2,365,919 from Fund 400174, TransNet RTCIP, for the purpose of construction.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

The Fiscal Year 2016 total TransNet program is \$32,007,000 based on SANDAG's revenue forecast dated January 30, 2015. Additionally, this action will authorize the re-programming of \$10,492,919 in TransNet Funding as detailed on Attachment B and will increase the Fiscal Year 2015 Capital Improvement Program Budget by \$8,765,919.

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

This item was heard at the Infrastructure Committee meeting on April 23, 2015.

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

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

McFadden/ LoMedico

Primary Contact\Phone: Hasan Yousef\619-533-3012, MS 608

Secondary Contact\Phone: Wendy Morrow\619-533-3122, MS 608

City Attorney Contact: Gerrity, Ryan P.

\* ITEM-101: Approval of Four As-Needed Planning Consultant Agreements with AECOM, Dyett & Bhatia, PlaceWorks, and RRM Design Group.

**ITEM DESCRIPTION:**

The Planning Department requests approval of Four (4) As-Needed Consultant Agreements with AECOM, Dyett & Bhatia, PlaceWorks, and RRM Design Group and authorization to expend funds for planning services on an as-needed basis.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2015-588)

Authorizing the Mayor, or his designee, to execute the As-Needed Consultant Agreement with AECOM for planning services, in an amount not to exceed \$2,125,000 over the five-year term of the Agreement;

Authorizing the Mayor, or his designee, to execute the As-Needed Consultant Agreement with Dyett & Bhatia for planning services, in an amount not to exceed \$2,125,000 over the five-year term of the Agreement;

Authorizing the Mayor, or his designee, to execute the As-Needed Consultant Agreement with PlaceWorks for planning services, in an amount not to exceed \$2,125,000 over the five-year term of the Agreement;

Authorizing the Mayor, or his designee, to execute the As-Needed Consultant Agreement with RRM Design Group for planning services, in an amount not to exceed \$2,125,000 over the five-year term of the Agreement;

Authorizing the Chief Financial Officer, to expend a minimum amount of \$4,000 but up to \$8,500,000 from Fund 100000 for the purposes of executing the above Agreements contingent upon the Chief Financial Officer first furnishing one or more certificates demonstrating that funds necessary for the expenditure are, or will be, available in the City Treasury;

Declaring that the expenditures are contingent upon the adoption of the given fiscal year Appropriation Ordinance and contingent upon the Chief Financial Officer furnishing a certificate certifying that funds necessary for expenditures are, or will be, on deposit with the City Treasurer.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

These As-Needed Contract Agreements provide for compensation in accordance with an hourly fee schedule or negotiated lump sum for each specific task authorized by the Planning Department. The maximum contract amount over the five year Agreement is \$8,500,000. Other than the guaranteed minimum award of \$4,000, funds are not to be encumbered or expended until such time as specific projects are identified and City Comptroller first furnishes a certificate demonstrating that the necessary funds are, or will be, on deposit with the City Treasurer.

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

This item was heard at the Smart Growth and Land Use Committee meeting on April 22, 2015.

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

**VOTE:** 3-0; Zapf-yea, Gloria-yea, Sherman-yea, Alvarez-not present.

Tomlinson/Graham

Primary Contact\Phone: Melissa Garcia\619-236-6173, MS 413

Secondary Contact\Phone: Brian Schoenfisch\619-533-6457, MS 413

City Attorney Contact: Thomas, Shannon M.

- \* ITEM-102: First Amendment to the As-Needed Consultant Services with Louis Berger Group LLC, for Construction Management Services (Contract Number H125638). (Citywide.)

**ITEM DESCRIPTION:**

This action is to authorize a First Amendment to extend the services of Louis Berger Group in providing Professional Construction Management Services on an As-Needed basis. The Amendment will provide for an additional amount not to exceed \$4,000,000 (for a total contract amount of \$7,000,000) with a maximum total contract duration of five (5) years.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2015-510)

Authorizing the Mayor, or his designee, to execute the First Amendment to the Agreement with Louis Berger Group LLC, for As-Needed Professional Construction Management Services in CIP Projects requiring these services for an amount not to exceed \$4,000,000 (for a total contract amount of \$7,000,000) with a maximum total contract duration of five (5) years, contingent upon the adoption of the Appropriation Ordinance for the applicable fiscal year, under the terms and conditions set forth in the document;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$4,000,000 over two years in CIP projects requiring these services, for the purpose of executing this Amendment to the Agreement, solely and exclusively, for the purpose of providing funds, provided that the Chief Financial Officer first furnishes one or more certificates demonstrating that the funds necessary for expenditures are, or will be, on deposit with the City Treasurer;

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

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

The total contract amount for As-Needed Professional Construction Management Services is \$7,000,000. Funding of \$3,000,000 was previously authorized by Council R-308232. Additional funding of \$4,000,000 for the First Amendment to the Agreement with the Louis Berger Group, LLC, formerly named Leidos Engineering, LLC, will be available in various CIP Projects requiring these services, contingent upon the adoption of the Appropriation Ordinance for the applicable fiscal year. The minimum contract compensation requirements of \$1,000 have already been met by the original contract.

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

- On June 4, 2013, Council R-308232 executed an Agreement with SAIC Energy Environment & Infrastructure, LLC, in the amount of \$3,000,000.
- This item was heard at the Infrastructure Committee meeting on April 23, 2015.

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

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

Nagelvoort/LoMedico

Primary Contact\Phone: Dave Zoumaras\858-627-3201  
Secondary Contact\Phone: Steve Lindsay\858-495-7878  
City Attorney Contact: Mercer, Mark M.

\* ITEM-103: Amendments to Park and Recreation Department Fiscal Year 2015 Capital Improvements Program Budget.

**ITEM DESCRIPTION:**

Several Park and Recreation Department Capital Improvement Projects require modifications in Fiscal Year 2015 such as increasing or decreasing appropriations, creating new projects to meet community needs including compliance with Americans with Disabilities Act (ADA), and ensuring maximum cash management by allocating available funds to appropriate projects. The Department requests allocations from Development Impact Fees (DIF), Regional Park Improvement Fund (RPIF), developer contribution funds, and a variety of other funds to a variety of park projects.

**STAFF'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2015-607 Cor. Copy)

Approving the recommendation of the Regional Park Improvement Fund Oversight Committee prioritizing the Capital Improvement Projects in regional parks to be allocated Regional Park Improvement Funds generated in Fiscal Year 2014 and Fiscal Year 2015, pursuant to Charter Section 55.2(d);

Authorizing the Chief Financial Officer to transfer appropriations of \$250,000 from CIP AGF-00005, Annual Allocation Regional Park Improvements, to CIP ABT-00001, Annual Allocation - City Facilities Improvements within Fund 200391, Regional Park Improvement Fund, for the purpose of reconstructing the foundation of the Hall of Nations building in Balboa Park;

Authorizing the Chief Financial Officer to add CIP S-15036, Balboa Park West Mesa Comfort Station Replacement, to the Capital Improvements Program;

Authorizing the Chief Financial Officer to transfer appropriations of \$1,000,000 from CIP AGF-00005, Annual Allocation Regional Park Improvements, to CIP S-15036, Balboa Park West Mesa Comfort Station Replacement within Fund 200391, Regional Park Improvement Fund, for the purpose of replacing two comfort stations located on the west mesa area of Balboa Park;

Authorizing the Chief Financial Officer to add CIP S-15035, Ellen Browning Scripps Park Comfort Station Replacement, to the Capital Improvements Program;

Authorizing the Chief Financial Officer to transfer appropriations of \$250,000 from CIP AGF-00005, Annual Allocation Regional Park Improvements, to CIP S-15035, Ellen Browning Scripps Park Comfort Station Replacement, within Fund 200391, Regional Park Improvement Fund, for the purpose of replacing the comfort station adjacent to La Jolla Cove in Ellen Browning Scripps Park;

Authorizing the Chief Financial Officer to add CIP S-15034, Junipero Serra Museum ADA Improvements, to the Capital Improvements Program;

Authorizing the Chief Financial Officer to transfer appropriations of \$500,000 from CIP AGF-00005, Annual Allocation Regional Park Improvements, to CIP S-15034, Junipero Serra Museum ADA Improvements within Fund 200391, Regional Park Improvement Fund, for the purpose of improving accessibility to the Junipero Serra Museum in Presidio Park;

Authorizing the Chief Financial Officer to transfer appropriations of \$50,000 from CIP AGF-00005, Annual Allocation Regional Park Improvements, to CIP S-10026, Palisades Park Comfort Station Replacement within Fund 200391, Regional Park Improvement Fund, for the purpose of replacing the comfort station at Palisades Park at the western end of Law Street in Pacific Beach;

Authorizing the Chief Financial Officer to transfer appropriations of \$1,100,000 from CIP AGF-00005, Annual Allocation Regional Park Improvements, to CIP S-10091, Sunset Cliffs Natural Park Hillside Improvements within Fund 200391, Regional Park Improvement Fund, for the purpose of improving the hillside portions of Sunset Cliffs Natural Park.

Subitem-B: (R-2015-608 Cor. Copy)

Authorizing the Chief Financial Officer to transfer appropriations of \$6,743.46 from Annual Allocation AEA-00002, Balboa Park Golf Course/B-11100, Balboa Park Golf Course Concrete Improvements to Capital Improvement Projects to Project S-00767, Wightman Street Neighborhood Park within Fund 400265, General Fund Contributions, for the purpose of constructing the new Wightman Street Neighborhood Park;

Authorizing the Chief Financial Officer to increase the Capital Improvements Program Budget in CIP S-00767, Wightman Street Neighborhood Park, and to appropriate and expend \$287,402 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 from Fund 200109, Environmental Growth Fund Two-Thirds, for the purpose of constructing the new Wightman Street Neighborhood Park.

Subitem-C: (R-2015-609 Cor. Copy)

Authorizing the Mayor, or his representative, to make an application to Federal Emergency Management Agency (FEMA) and to take all necessary actions to secure funding for an amount not to exceed \$1,000,000 in Pre-Disaster Mitigation Program Funds for the seismic retrofit of the California Tower in Balboa Park;

Authorizing the Chief Financial Officer to accept, appropriate, and expend an amount not to exceed \$1,000,000 if the Pre-Disaster Mitigation Program Grant Funding is secured;

Authorizing the Chief Financial Officer to increase the Capital Improvements Program Budget in CIP L-12003, California Tower Seismic Retrofit, and to appropriate and expend \$1,000,000 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 from Fund 600000, Federal Emergency Management Agency Pre-Disaster Mitigation Program, for the purpose of seismically retrofitting the California Tower in Balboa Park, contingent upon a fully executed Grant Agreement.

Subitem-D: (R-2015-610 Cor. Copy)

Authorizing the Chief Financial Officer to transfer appropriations of \$221,444.40 from CIP ABC-00001, Fire Station Major Component Replacement Rehabilitation, to CIP S-00762, Angier Elementary School Joint Use, within Fund 400035, Serra Mesa Park Service District Fees, for the purpose of creating a joint use area at Angier Elementary School;

Authorizing the Chief Financial Officer to increase the Capital Improvements Program Budget in CIP S-00762, Angier Elementary School Joint Use, and to appropriate and expend \$243,130.60 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 as follows: \$175,000 from Fund 400132, Serra Mesa Development Impact Fees, and \$68,130.60 from Fund 400035, Serra Mesa - Major District, for the purpose of creating a joint use area at Angier Elementary School;

Authorizing the Chief Financial Officer to increase the Capital Improvements Program Budget in CIP S-15001, Coast Boulevard Walkway Improvements, and to appropriate and expend \$360,000 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 from Fund 400123, La Jolla Development Impact Fees, for the purpose of constructing enhanced walkways along Ocean Boulevard in the vicinity of Children's Pool;

Authorizing the Chief Financial Officer to increase the Capital Improvements Program Budget in CIP S-15005, Crest Canyon Neighborhood Park, and to appropriate and expend \$130,000 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 from Fund 400133, Torrey Pines Development Impact Fees, for the purpose of designing and constructing a neighborhood park in Torrey Pines;

Authorizing the Chief Financial Officer to add CIP S-15032, Gamma Street Mini-Park ADA Improvements, to the Capital Improvements Program;

Authorizing the Chief Financial Officer to increase the Capital Improvements Program Budget in CIP S-15032, Gamma Street Mini-Park ADA Improvements, and to appropriate and expend \$450,000 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 from Fund 400120, Southeastern San Diego Development Impact Fees, for the purpose of installing path of travel improvements and accessibility improvements to Gamma Street Mini-Park;

Authorizing the Chief Financial Officer to add CIP S-15040, Golf Course Drive Multi-Purpose Pathway, to the Capital Improvements Program;

Authorizing the Chief Financial Officer to increase the Capital Improvements Program Budget in CIP S-15040, Golf Course Drive Multi-Purpose Pathway, and to appropriate and expend \$170,000 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 from Fund 400111, Greater Golden Hill Development Impact Fees, for the purpose of studying the feasibility of and design for a multi-purpose pathway along Golf Course Drive;

Authorizing the Chief Financial Officer to add CIP S-15030, Keiller Neighborhood Park ADA Improvements, to the Capital Improvements Program;

Authorizing the Chief Financial Officer to increase the Capital Improvements Program Budget in CIP S-15030, Keiller Neighborhood Park ADA Improvements, and to appropriate and expend \$110,000 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 from Fund 400119, Skyline-Paradise Hills Development Impact Fees for the purpose of installing path of travel improvements and accessibility improvements to Keiller Neighborhood Park;

Authorizing the Chief Financial Officer to add CIP S-15028, Olive Grove Community Park ADA Improvements to the Capital Improvements Program;

Authorizing the Chief Financial Officer to increase the Capital Improvements Program Budget in CIP S-15028, Olive Grove Community Park ADA Improvements and to appropriate and expend \$172,849 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 from Fund 400040, Olive Grove - Major District for the purpose of installing path of travel improvements and accessibility improvements to Olive Grove Community Park;

Authorizing the Chief Financial Officer to transfer appropriations of \$250,000 from CIP S-00808, Balboa Branch Library to CIP S-15028, Olive Grove Community Park ADA Improvements within Fund 400129, Clairemont Mesa Development Impact Fees;

Authorizing the Chief Financial Officer to close CIP AGF-00003, Joint Use Improvements - Citywide and CIP S-00808, Balboa Branch Library and return excess funds to the original funding source;

Authorizing the Chief Financial Officer to increase the Capital Improvements Program Budget in CIP S-15002, Paradise Senior Center Improvements and to appropriate and expend \$200,000 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 from Fund 400128, Barrio Logan Development Impact Fees, for the purpose of improving and renovating the Paradise Senior Center;

Authorizing the Chief Financial Officer to add CIP S-15031, Robert Egger Sr./South Bay Community Park ADA Improvements to the Capital Improvements Program;

Authorizing the Chief Financial Officer to increase the Capital Improvements Program Budget in CIP S-15031, Robert Egger Sr./South Bay Community Park ADA Improvements and to appropriate and expend \$110,000 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 from Fund 400125, Otay-Nestor Development Impact Fees, for the purpose of designing and constructing accessibility improvements to children's play areas within Robert Egger Sr./South Bay Community Park;

Authorizing the Chief Financial Officer to add CIP S-15029, Rolando Park Elementary School Joint Use Improvements to the Capital Improvements Program;

Authorizing the Chief Financial Officer to increase the Capital Improvements Program Budget in CIP S-15029, Rolando Park Elementary School Joint Use Improvements and to appropriate and expend a total of \$380,000 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 as follows: \$370,000 from Fund 400114, Mid-City Development Impact Fees and \$10,000 from Fund 400109, Mid-City Special Park Fees for the purpose of creating a joint use area at Rolando Park Elementary School;

Authorizing the Chief Financial Officer to add CIP S-15033, San Ysidro Community Park ADA Improvements to the Capital Improvements Program;

Authorizing the Chief Financial Officer to increase the Capital Improvements Program Budget in CIP S-15033, San Ysidro Community Park ADA Improvements, and to appropriate and expend a total of \$309,710 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 as follows: \$150,000 from Fund 400126, San Ysidro-Tijuana River Valley Development Impact Fees and \$159,710 from Fund 400072, Otay Mesa South - Major District for the purpose of improving accessibility at San Ysidro Community Park;

Authorizing the Chief Financial Officer to increase the Capital Improvements Program Budget in CIP S-13005, University Village Neighborhood Park Tot Lot and to appropriate and expend \$25,000 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 from Fund 400134, University City South Development Impact Fees for the purpose of installing a tot lot at University Village Neighborhood Park.

Subitem-E: (R-2015-611 Cor. Copy)

Authorizing the Chief Financial Officer to increase the Capital Improvements Program Budget in CIP S-00673, Charles L. Lewis III Memorial (Home Avenue) Neighborhood Park and to appropriate and expend \$337,646 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 from Fund 200109, Environmental Growth Fund Two-Thirds, for the purpose of constructing the new Charles L. Lewis III Memorial (Home Avenue) Neighborhood Park.

Subitem-F: (R-2015-612 Cor. Copy)

Authorizing the Chief Financial Officer to add CIP S-15037, Doyle Community Park ADA Upgrades, to the Capital Improvements Program;

Authorizing the Chief Financial Officer to increase the Capital Improvements Program Budget in CIP S-15037, Doyle Community Park ADA Upgrades, and to appropriate and expend \$400,000 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 from Fund 200324, Park and Recreation Antenna Lease Revenue Fund, for the purpose of installing path of travel improvements at Doyle Community Park;

Authorizing the Chief Financial Officer to increase the Capital Improvements Program Budget in CIP S-00751, Hickman Athletic Area Improvements, and to appropriate and expend a total of \$544,854 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, of which \$37,310 is from Fund 400250, General Dynamics Community Improvement Fund, for general improvements to Hickman Athletic Area, and \$507,544 is from Fund 400259, Kearny Mesa 20% Improvements Fund, for general improvements to Hickman Athletic Area;

Authorizing the Chief Financial Officer to transfer appropriations of \$946,730 from Fund 200636, Monetary Contributions Placed on Future Development, 9913 - Citywide Other/Special Funds Department (Operating) to CIP S-00751, Hickman Athletic Area Improvements, for site preparation for the eventual recreation center and aquatic complex, and general improvements at Hickman Athletic Area;

Authorizing the Chief Financial Officer to rename CIP S-15003, Mid-City Skate Park, as "Park de la Cruz Neighborhood Park Improvements";

Authorizing the Chief Financial Officer to add CIP S-15038, Skyline Hills Community Park ADA Improvements, to the Capital Improvements Program;

Authorizing the Chief Financial Officer to transfer appropriations of \$210,261.08 from CIP AGF-00001, Annual Allocation Park Grant Match, to CIP S-15038, Skyline Hills Community Park ADA Improvements, within Fund 400265, General Fund Contributions to the CIP, for the purpose of improving accessibility to Skyline Hills Community Park, contingent upon the Chief Financial Officer furnishing a certificate certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the Chief Financial Officer to increase the Capital Improvements Program Budget in CIP S-14019, Torrey Pines Golf Course - North Course Improvements, and to appropriate and expend \$2,000,000 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 from Fund 700045, Golf Course Enterprise CIP Fund, for the purpose of improving the North Course at Torrey Pines Golf Course;

Authorizing the Chief Financial Officer to reduce the Capital Improvement Program budget by de-appropriating a total amount of \$1,339,592.06, of which \$1,299,999.74 is from Fund 200353, Southcrest Redevelopment Agency Contribution in CIP S-01071, Southcrest Trails 252 Corridor Park Improvements Phase 2; \$0.32 is from Fund 400078, San Ysidro Park Service District in CIP S-13004, Larsen Field ADA Improvements Phase II; and \$39,592 is from Fund 600001, Grant Fund - State in CIP AGF-00003, Joint Use Improvements - Citywide, for the purpose of de-appropriating budget for revenue not available.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

A total of \$12,015,770.54 is requested for allocation to these projects as described in the Report to City Council and Attachment 1. Funding is available in the various funds and annual allocation projects listed. A total of \$1,339,592.06 is proposed for removal of CIP Budgets for which insufficient cash is available as described in the Report to City Council.

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

This item was heard at the Infrastructure Committee meeting on April 23, 2015.

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

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

Field/Graham

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

Secondary Contact\Phone: Jim Winter\619-235-5257

City Attorney Contact: Ferbert, Heather M.

\* ITEM-104: CAL FIRE Urban & Community Forestry Program-Tree Inventory, Canopy Assessment and Tree Planting Grant Application Authorization.

**ITEM DESCRIPTION:**

Authorization to submit application and accept award for Grant Funding under the Urban and Community Forestry Program, administered by CAL FIRE. The purpose of the Grant Funding is to enhance the urban forest by conducting a tree inventory and canopy assessment, and planting trees. Total application is not to exceed \$750,000.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2015-586)

Approving the filing of an application for “State Greenhouse Gas Reduction Funding and/or USDA Forest Service” Urban Forestry Grant Program Funds;

Certifying that the City of San Diego has or will have sufficient funds to operate and maintain the project;

Certifying that funds under the jurisdiction of the City Council are available to begin the project;

Certifying that the City of San Diego will expend Grant Funds prior to December 31, 2019, contingent upon a full executed Grant Agreement;

Appointing the Mayor, or his designee, as agent of the City Council to conduct all negotiations, execute and submit all documents including, but not limited to applications, agreements, amendments, payment requests and so on, which may be necessary for the completion of the aforementioned project;

Authorizing the Mayor, or his designee, to make application to the CAL FIRE Urban & Community Forestry Program and take all necessary actions to secure funding for an amount up to \$750,000 of Urban Forestry Program Grant Funds for the Tree Inventory, Canopy Assessment, and Tree Planting project;

Authorizing the Chief Financial Officer to accept, appropriate, and expend an amount up to \$750,000 for the Tree Inventory, Canopy Assessment, and Tree Planting project, contingent upon receipt of a fully executed Grant Agreement;

Authorizing the Chief Financial Officer to establish a special interest-bearing account for the Grant Funds, if required, contingent upon receipt of a fully executed Grant Agreement.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

The total project cost is \$1,000,000 (\$750,000 Grant and \$250,000 in-kind match). The Grant requires a match equal to 25% of the entire project, or \$250,000. The required \$250,000 match will be from in-kind staff time (\$132,000 over the four year Grant) and \$118,000 the City has already incurred from capturing the LiDAR imagery that will be analyzed to determine the City's tree canopy. CAL FIRE has confirmed these are acceptable matches per the Grant requirements.

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

Tomlinson/Graham

Primary Contact\Phone: Melissa Garcia\619-236-6173

Secondary Contact\Phone: Lesley Henegar \619-235-5208

City Attorney Contact: Vonblum, Heidi K.

\* ITEM-105: City Council Community Projects, Programs, and Services Funding Allocation to South Park Business Group for a banner district. (South Park Community Area. District 3.)

**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 South Park Business Group for an amount not to exceed \$10,000 for a banner district.

**COUNCILMEMBER GLORIA'S RECOMMENDATION:**

Adopt the following resolution:

(R-2015-597)

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

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 South Park Business Group, Inc. (Agreement) in an amount not to exceed \$10,000 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 \$10,000 from the Community Projects, Programs, and Services Budget Fund No. 100000, Cost Center 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:**

\$10,000 in City Council Community Projects, Programs, and Services Funding from Fund No. 100000, Cost Center No. 1103110003, will be used for the banners.

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

Fox

Primary Contact\Phone: Molly Chase\619-236-6633  
Secondary Contact\Phone: Lori Witzel\619-236-6442  
City Attorney Contact: Dugard, Prescilla

\* ITEM-106: City Council Community Projects, Programs, and Services Funding Allocation to Mission Hills Town Council for summer concerts in the park. (Mission Hills Community Area. District 3.)

**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 Mission Hills Town Council for an amount not to exceed \$5,000 for summer concerts in the park.

**COUNCILMEMBER GLORIA'S RECOMMENDATION:**

Adopt the following resolution:

(R-2015-599)

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

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 Mission Hills Town Council (Agreement) in an amount not to exceed \$5,000 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 \$5,000 from the Community Projects, Programs, and Services Budget Fund No. 100000, Cost Center 1103110003, to provide funds for 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.

**SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

\$5,000 in City Council Community Projects, Programs, and Services Funding from Fund: 100000, Cost Center No. 1103110003 will be used for summer concerts in the park.

**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: Dugard, Prescilla

- \* ITEM-107: Community Projects, Programs, and Services Funding Allocation to Parade Band Foundation for 38th Annual Mt. Carmel Tournament of Bands Band Review. (Rancho Peñasquitos Community Area. District 5.)

**ITEM DESCRIPTION:**

Approval of the funding allocation from Council District 5, along with authorization from the City Council are requested to allow the Mayor, or his designee, to enter into an agreement with Parade Band Foundation for an amount not to exceed \$5000, for the 38th Annual Mt. Carmel Tournament of Bands Band Review.

**COUNCILMEMBER KERSEY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2015-596)

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 Parade Band Foundation, Inc. (Agreement) in an amount not to exceed \$5,000 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 \$5,000 from the Community Projects, Programs, and Services budget Fund No. 100000, Cost Center 1105110005, to provide funds for 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.

**SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

\$5000 in Council Community Projects, Programs, and Services Funding from Fund: 100000, Cost Center No. 1105110005 will be used for the 38th Annual Mt. Carmel Tournament of Bands Band Review.

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

Bouteller

Primary Contact\Phone: Tiffany Vinson\619-236-6655

Secondary Contact\Phone: Patrick Bouteller\619-236-6655

City Attorney Contact: Dugard Prescilla

- \* ITEM-108: Community Projects, Programs, and Services Funding Allocation to Kiwanis Foundation of Tierrasanta for Oktoberfest. (Tierrasanta Community Area. District 7.)

**ITEM DESCRIPTION:**

Approval of funding allocation from Council District 7, along with authorization from the City Council are requested to allow the Mayor, or his designee, to enter into an Agreement with the Kiwanis Foundation of Tierrasanta for an amount not to exceed \$5,000 for Oktoberfest.

**COUNCILMEMBER SHERMAN'S RECOMMENDATION:**

Adopt the following resolution:

(R-2015-598)

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 Kiwanis Foundation of Tierrasanta (Agreement) in an amount not to exceed \$5,000 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 \$5,000 from the Community Projects, Programs, and Services Budget Fund No. 100000, Cost Center 1107110007, to provide funds for 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.

**SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

\$5000 in Council Community Projects, Programs, and Services Funding from Fund 100000, Cost Center 1107110007 will be used for Oktoberfest.

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

Tetlow

Primary Contact\Phone: Jack Straw\619-236-7716

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

City Attorney Contact: Dugard, Prescilla

\* ITEM-109: Community Projects, Programs, and Services funding allocation to the Lao Community Cultural Center. (Citywide.)

**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 Lao Community Cultural Center for an amount not to exceed \$5,000, for the Lao New Year Festival.

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

Adopt the following resolution:

(R-2015-600)

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 Lao Community Cultural Center (Agreement) in an amount not to exceed \$5,000 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 \$5,000 from the Community Projects, Programs, and Services budget Fund No. 100000, Cost Center 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:**

\$5,000 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 Lao New Year Festival.

**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-110: Amendments to the 2015 Legislative Calendar and change in the time and place of the regular meeting of Monday, May 18, 2015.

**ITEM DESCRIPTION:**

Approve the following amendments to the legislative calendar: Change the start time of the May 14, 2015, Charter Review Committee to 2:30 p.m.; Change the start time of the May 18, 2015, to 1 p.m.; Remove the June 11, 2015, 2 p.m. Charter Review Committee meeting; Add a June 11, 2015, 6:00 p.m. Charter Review Committee meeting; Add a Public Safety and Livable Neighborhoods (PS&LN) Committee meeting on November 12, 2015, PS&LN at 2:00 p.m.; remove the December 9, 2015, PS&LN at 2:00 p.m.

Additionally, approve the request to change the time and place of the Monday, May 18, 2015, Council meeting to a 1:00 p.m. start time and place to be held to Golden Hall, Civic Center Concourse located at 202 C Street San Diego, CA 92101. (Rev. 5/6/15)

**COUNCIL PRESIDENT LIGHTNER'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2015-615 Cor. Copy) (Rev. 5/7/15)

Declaring that the 2015 Legislative Calendar is hereby amended as reflected in the revised 2015 Legislative Calendar.

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

Subitem-B: (R-2015-620)

Declaring that the location of the regularly scheduled Council meeting of May 18, 2015, is moved from Council Chambers to Golden Hall, in the Community Concourse (Civic Center Concourse) at 202 C Street, San Diego, California, 92101, in order to better accommodate a large audience that is expected to attend;

Declaring that the start time of the regularly scheduled Council meeting of May 18, 2015, is moved from 2 p.m. to 1 p.m.

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

**SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:** N/A

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

Jurado-Sainz

Primary Contact\Phone: Diana Jurado-Sainz\619-236-6611, MS10A  
City Attorney Contact: Spivak, Sharon B.

\* ITEM-111: Settlement of wrongful death claim of *Genesis Preciado, et al. v. City of San Diego, et al*, Risk Management File No. 8392.

**ITEM DESCRIPTION:**

This a complaint for wrongful death suffered by Genesis Preciado and Jorge Montes Pando as the result of a vehicle accident. The proposed settlement would resolve all claims brought by plaintiffs.

**CITY ATTORNEY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2015-511)

Authorizing the Mayor, or his designee, to pay the sum of \$185,000 from the Water Utility Operating Fund 700011, in settlement of 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 wrongful death claim of Genesis Preciado and Jorge Montes Pando, San Diego Superior Court Case No. 37-2014-00000863-CU-PA-CTL;

Authorizing the Chief Financial Officer to expend \$185,000 from the Water Utility Operating Fund 700011, contingent upon the Chief Financial Officer first furnishing one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the City Comptroller to issue a check in the amount of: \$185,000, made payable to Estey & Bomberger Client Trust Account.

**SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

Settlement amount of \$185,000 will be paid from the Water Utility Operating Fund 700011.

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

The item was approved at the Closed Session meeting on March 24, 2015.

Bamberg

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

\* ITEM-112: Excusing Councilmember Kersey from the January 13, 2015, City Council meeting due to illness.

**COUNCILMEMBER KERSEY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2015-587)

Excusing Councilmember Kersey from attending the regularly scheduled City Council meeting of January 13, 2015, due to illness.

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

- \* ITEM-113: Resolutions of the San Diego City Council approving Amendments to the Memoranda of Understanding (MOU) between the City and AFSCME Local 127, Teamsters Local 911, Deputy City Attorneys Association (DCAA), Local 145, San Diego Municipal Employees' Association (MEA) and San Diego Police Officers Association (POA) regarding terms and conditions of employment for Fiscal Years 2014 through 2018 (and will be incorporated into POA's Successor 2016-2020 MOU).

**ITEM DESCRIPTION:**

This item contains six (6) sub-items for City Council approval of Amendments to the Memoranda of Understanding between the City and AFSCME Local 127, Deputy City Attorneys Association (DCAA), San Diego Municipal Employees' Association (MEA), San Diego Police Officers Association (POA), Local 145 and Teamsters Local 911 regarding the terms and conditions of employment related to the new Catastrophic Leave Plan and Medical Leave-Sharing Plan Programs for Fiscal Years 2014 through 2018 (and will be incorporated into POA's Successor 2016-2020 MOU).

(Continued from the meeting of 4/27/2015, Item 202, Subitem C, at the request of Council President Pro-Tem Emerald, for further review.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2015-541)

Approving and ratifying the Agreement between the City and Deputy City Attorneys Association (DCAA) to amend the Memorandum of Understanding (MOU) by adding Article 38, related to the Leave-Sharing Plans, pursuant to the authority of the Meyers-Milius-Brown Act (MMBA) and Council Policy 300-06.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

There is no known fiscal impact as a result of the implementation of the Leave-Sharing Plans.

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

von Kalinowski/Villa

Primary Contact\Phone: Abby Jarl-Veltz\619-236-6314

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

City Attorney Contact: Story Parks, Roxanne

- \* ITEM-114: Consideration of Resolutions of the Council approving and ratifying Amendments to the Memoranda of Understanding (MOU) between the City and its recognized Employee Organizations regarding terms and conditions of employment for FY 14-FY 18. (Citywide.)

**ITEM DESCRIPTION:**

Approve resolutions of the Council of the City of San Diego approving and ratifying Amendments to the Memoranda of Understanding (MOU) between the City and its recognized Employee Organizations regarding terms and conditions of employment for Fiscal Years 2014 through 2018.

(Continued from the meeting of 4/27/2015, Item 203, Subitem B, at the request of Councilmember Gloria, for further review.)

**COUNCILMEMBER GLORIA'S RECOMMENDATION:**

Adopt the following resolution:

(R-2015-535)

Approving and ratifying the Agreement between the City and Deputy City Attorneys Association (DCAA) to amend the Memorandum of Understanding (MOU) by adding Article 37, related to the Hourly Sick Leave (A.B. 1522) benefit, 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.**

**SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

The actuary for San Diego City Employees' Retirement System (SDCERS) analyzed the proposed implementation of paid sick leave for non-benefitted City employees, and stated that it is not expected to have an actuarial impact on the City's defined benefit pension plan. The Department of Financial Management has estimated that implementation of up to 24 hours of paid sick leave to hourly, non-benefitted City employees will have a financial impact of approximately \$471,284 a fiscal year.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

San Diego Resolution R-308477 (October 15, 2013) - Memorandum of Understanding with Deputy City Attorneys Association.

San Diego Resolution R-308478 (October 15, 2013) - Memorandum of Understanding with the San Diego City Firefighters, International Association of Fire Fighters Local 145.

San Diego Resolution R-308479 (October 15, 2013) - Memorandum of Understanding with California Teamsters, Local 911.

San Diego Resolution R-308480 (October 15, 2013) - Memorandum of Understanding with Local 127, American Federation of State, County and Municipal Employees, AFL-CIO.

San Diego Resolution R-308481 (October 15, 2013) - Memorandum of Understanding with San Diego Municipal Employees' Association.

San Diego Resolution R-308476 (October 15, 2013) - Memorandum of Understanding with San Diego Police Officers Association

San Diego Resolution R-309578 (March 27, 2015) - Tentative Agreement on Successor Memorandum of Understanding with San Diego Police Officers Association (with City Council consideration of Memorandum of Understanding on April 13, 2015).

Fox

Primary Contact\Phone: Jessica Lawrence\619-236-7787

Secondary Contact\Phone: Jamie Fox\619-236-6165

City Attorney Contact: Dawson, Joan F.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

ITEM-330: City Auditor's Performance Audit of the City's Public Right-of-Way Maintenance Activities.

**CITY AUDITOR'S RECOMMENDATION:**

Receive the City Auditor's Performance Audit of the City's Public Right-of-Way Maintenance Activities and forward it to City Council.

**SUPPORTING INFORMATION:**

FISCAL CONSIDERATIONS: N/A

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

- The report was presented to the Audit Committee on April 8, 2015.

ACTION: Motion by Councilmember Zapf, second by Committee Member Hebrank, to accept the report and forward to the Infrastructure Committee before going to Council.

VOTE: 5-0; Sherman-yea, Zapf-yea, Hebrank-yea, Schreiner-yea, Valdivia-yea.

- The report was presented to the Infrastructure Committee on April 23, 2015.

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

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

No changes have been made to the report since it was presented to the Committee.

Luna

Primary Contact\Phone: Matthew Helm\619-533-3016

Secondary Contact\Phone: Kyle Elser \619-533-3007

**ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS  
ORDINANCES TO BE INTRODUCED:**

ITEM-331: Operating and Management Agreement between the City Of San Diego and Downtown San Diego Partnership for the Renewed Downtown Property and Business Improvement District (PBID). (Centre City and Downtown Community Areas. District 3.)

**ITEM DESCRIPTION:**

The term of the existing Operating and Management Agreement with the Downtown San Diego Partnership is concurrent with the existing Downtown Property and Business Improvement District (PBID) which is set to end June 30, 2015. The Downtown San Diego Partnership in conjunction with property owners has developed a proposal to renew the PBID for ten (10) years. The City Council is considering the renewal and caused a mailed ballot procedure to be conducted. If there is no majority protest from the ballot tabulation then Council may renew the District at which time Council may introduce an ordinance to authorize a new 10-year Operating and Management Agreement with the Downtown San Diego Partnership.

**STAFF'S RECOMMENDATION:**

Introduce the following ordinance:

(O-2015-105)

Introduction of an Ordinance approving the Agreement;

Authorizing and directing the Mayor, or designee, to execute the Agreement on the City's behalf and to take any and all actions necessary to implement the Agreement;

Authorizing the Chief Financial Officer to appropriate and expend Downtown Property Business Improvement District (PBID) Operating Funds, as required per the terms of the Agreement, contingent upon approval by the Council of the PBID Annual Budget, which is subject to the approval of the City's Annual Appropriation Ordinance, and further contingent upon the City Comptroller certifying that the funds necessary for expenditure are available;

Authorizing the Mayor, or designee, to preclude the expenditure of all or any portion of District assessments during the pendency of any litigation that has been timely initiated to challenge the renewal of the District.

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

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

If the City enters into this new Operating and Management Agreement with the Partnership (contingent upon renewal of the Downtown Property and Business Improvement District (PBID)), then the assessments and associated revenue generated by the PBID will be made available to the Partnership to implement the PBID Program as outlined in the Downtown PBID Management District Plan and subject to this Agreement.

If the PBID is renewed then estimated annual assessments starting with \$7,400,335.38 in FY16 are proposed to be levied and collected for 10 years. The annual amount will include assessments on City parcels (FY16 amount is \$498,748.06). An allocation from the Gas Tax Fund would likely continue for median maintenance (FY 2016 amount is \$19,437). The PBID Administrator will have to provide funding for the general benefit portion.

If the PBID is renewed and if a suit is filed, there may be a fiscal impact to the General Fund if funds are expended and litigation results in an adverse outcome.

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

Council approved the establishment of the PBID on February 22, 2000 (Resolution R-292797), a 10-year renewal on June 14, 2005 (Resolution R-300533), the establishment of the Commercial Marketing District Zone (CMD) on September 25, 2012 (Resolution R-307698), and the First Amendment to the Operating and Management Agreement September/October 2012 (Ordinance O-20206). PBID Budgets have been approved annually by Council (FY15 heard July 22, 2014). A draft of the Plan was presented to the Economic Development and Intergovernmental Relations Committee on July 30, 2014, as an Information Item and the Resolution of Intention was adopted by Council at the meeting of February 24, 2015, as R-309520.

Caldwell/Graham

Primary Contact\Phone: Meredith Dibden Brown\619-236-6485, MS 56D  
Secondary Contact\Phone: Elizabeth Studebaker\619-533-4561, MS 56D  
City Attorney Contact: Skogan, Daphne Z.

**NON-DOCKET ITEMS**

**ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES**

**ADJOURNMENT**