

# CITY OF SAN DIEGO COUNCIL DOCKET



## COUNCIL PRESIDENT

**Sherr 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, August 4, 2015**

**AGENDA FOR THE  
REGULAR COUNCIL MEETING OF  
TUESDAY, AUGUST 4, 2015, AT 10:00 AM  
CITY ADMINISTRATION BUILDING  
COUNCIL CHAMBERS – 12<sup>TH</sup> FLOOR  
202 “C” STREET  
SAN DIEGO, CA 92101**

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

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

**NOTE: The public portion of the meeting will begin at 10:00 a.m. The City Council will meet in Closed Session this morning from 9:00 a.m. – 10:00 a.m. Copies of the Closed Session agenda are available in the Office of the City Clerk.**

**OTHER LEGISLATIVE MEETINGS**

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

The **PUBLIC FACILITIES FINANCING AUTHORITY** is scheduled to meet today in the Council Chambers. A separate agenda is published for it, and is available in the Office of the City Clerk. For more information please contact Brant Will at (619) 236-6220. Internet access to the agenda is available at:  
<http://www.sandiego.gov/city-clerk/officialdocs/legisdocs/pffa.shtml>

**ROLL CALL**

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF COUNCIL MINUTES**

The Council Minutes of the following meetings will be approved by Unanimous Consent unless pulled for discussion:

07/06/2015 - Adjourned  
07/07/2015 - Adjourned  
07/13/2015  
07/14/2015

**PROCLAMATIONS/CEREMONIAL ITEMS**

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

ITEM-30: City of San Diego Employee Appreciation Month.

**PRESENTED BY MAYOR FAULCONER, COUNCIL PRESIDENT LIGHTNER, AND COUNCIL PRESIDENT PRO TEM EMERALD:**

Proclaiming the month of August 2015, to be "City of San Diego Employee Appreciation Month.

ITEM-31: The Vietnam Veterans Memorial Fund Day.

**PRESENTED BY MAYOR FAULCONER AND COUNCILMEMBER KERSEY:**

Proclaiming August 4, 2015, to be "The Vietnam Veterans Memorial Fund Day" in the City of San Diego.

ITEM-32: San Diego Blood Bank Month.

**PRESENTED BY COUNCILMEMBER COLE:**

Proclaiming the month of August 2015, to be "San Diego Blood Bank Month" in the City of San Diego.

ITEM-33: Margarita Castro Day.

**PRESENTED BY COUNCILMEMBER SHERMAN:**

Proclaiming August 4, 2015, to be "Margarita Castro Day" in the City of San Diego.

**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)**

**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.

**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: Amend San Diego Municipal Code (SDMC) Chapter 5: Public Safety, Morals, and Welfare Section 56.54 to establish a 24-hour alcohol ban at Montezuma Neighborhood Park. (College Community Area. District 9.)

**ITEM DESCRIPTION:**

Amend San Diego Municipal Code (SDMC) Chapter 5: Public Safety, Morals, and Welfare Section 56.54 to move Montezuma Neighborhood Park from Section 56.54 List B to 56.54 List A, changing the alcohol ban from 8:00PM - 8:00AM to 24 hours.

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

Introduce the following ordinance:

(O-2016-9)

Introduction of an Ordinance amending Chapter 5, Article 6, Division 00, of the San Diego Municipal Code by amending Appendices 56.54A and 56.54B to add Montezuma Neighborhood Park to the 24-Hour Alcoholic Beverage Consumption Ban.

**SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:** N/A

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

This Item was approved at the Public Safety and Livable Neighborhoods Committee meeting of June 10, 2015.

**ACTION:** Motion by Councilmember Cole, second by Councilmember Emerald, to accept the report and forward to City Council with a recommendation to approve staff's recommendation.

**VOTE:** 4-0; Emerald-yea, Cate-yea, Gloria-yea, Cole-yea.

Flores

Primary Contact\Phone: Chris Pearson\619-236-6681  
Secondary Contact\Phone: Marisa Berumen\619-236-7754  
City Attorney Contact: Fonseca, Jeremy M.

- \* ITEM-51: Contract Amendment No. 7 to the Consultant Agreement with Lee & Ro, Inc. (L&R) for the Point Loma Grit Processing Improvements Project. (Peninsula Community Area. District 2.)

**ITEM DESCRIPTION:**

Request Council Authorization to execute the Seventh Amendment of the Agreement (H031198) with Lee & Ro, Inc. (L&R) for the engineering design and construction support services for the Point Loma Grit Processing Improvement Project. This Amendment provides additional funds to the construction support tasks portion of the current Agreement. The additional funds will allow L&R to continue with engineering construction support services for the new grit processing facility construction project.

**STAFF'S RECOMMENDATION:**

Introduce the following ordinance:

(O-2015-166)

Authorizing the Mayor, or his designee, to execute the Seventh Amendment to the Agreement with Lee & Ro, Inc., for additional design and construction support services in an amount not to exceed \$153,170, for the Point Loma Grit Processing Improvements Project, under the terms and conditions set forth in the Agreement, contingent upon the Chief Financial Officer furnishing a certificate certifying that funds necessary for the expenditures are, or will be, on deposit with the City Treasurer, and;

Authorizing the Chief Financial Officer to transfer appropriations of \$153,170 from A-BO.00001, Annual Allocation - Metro Treatment Plants, Fund 700009, Metro Sewer CIP, to CIP S-00315, Point Loma Grit Processing Improvements, Fund 700009, Metro Sewer CIP;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$153,170 from CIP S-00315, Point Loma Grit Processing Improvements, Fund 700009, Metro Sewer CIP, for purposes of executing the Amendment to the Agreement contingent upon the Chief Financial Officer furnishing a certificate certifying that funds necessary for the expenditures are, or will be, on deposit with the City Treasurer.

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

**STAFF SUPPORTING INFORMATION:****FISCAL CONSIDERATIONS:**

The total cost for professional engineering services with Lee & Ro, Inc. is \$4,666,004. Funding of \$4,512,834 was previously authorized and is available in CIP S-00315, Point Loma Grit Processing Improvements, Fund 700009, Metro Sewer CIP, and funding for the additional \$153,170 will be available in CIP S-00315, Point Loma Grit Processing Improvements, Fund 700009, Metro Sewer CIP for this purpose. Authorize the transfer of \$153,170 from A-BO.00001, Annual Allocation - Metro Treatment Plants, Fund 700009, Metro Sewer CIP, to CIP S-00315, Point Loma Grit Processing Improvements, Fund 700009, Metro Sewer CIP, of which \$153,170 will be used for Amendment No. 7 with Lee & Ro, Inc. (L&R) to continue with engineering construction support for this Project. The Project cost may be reimbursed with current or future financing. This Amendment is scheduled to be funded in FY 2016.

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

The original Agreement between the City and L&R was authorized in December 2000, (Resolution No. 294342, \$2,134,362), for the design of the GIP. Since then, there have been six (6) amendments to this Agreement as summarized below:

- Amendment No. 1: This amendment was approved in January 2001 (C-10619, \$0.00); this "No Cost" amendment corrected Commitment Percentages and Contract Amounts for all Sub-Consultants (replace Table C-2 of the original Contract).
- Amendment No. 2: This amendment was approved in December 2002 (R-297457, \$800,000), for additional engineering design services to address additional scope requirements (tank configurations and an interim grit processing facility).
- Amendment No. 3: This amendment was approved in June 2005 (O-19391, \$0.00); this "No Cost" amendment deferred the final funding phase of this design Contract to FY 07.
- Amendment No. 4: This amendment was approved in January 2006 (C-13612, \$0.00); this "No Cost" amendment addressed separating out a portion of the GIP scope (which was placed on hold until the completion of the pilot testing for secondary wastewater treatment at PLWTP); allowing the Grit Aeration Systems portion of the GIP Project to proceed.
- Amendment No. 5: This amendment was approved in September 2008 (O-19783, \$976,759). Once the pilot study was completed, the original GIP scope was supported and the project resumed. This amendment updated the GIP design to current Building Code and technology standards and allowed for the repackaging of the construction bidding documents.
- Amendment No. 6: This amendment was approved in January 2014 (O-20336, \$601,713). This amendment provided increase to individual task budgets that were depleted due unforeseen additional work and the extension of the construction schedule to November 2014. This action also extended the contract term beyond the 5 year limit provided by Amendment No. 5.

- This action was heard at the Infrastructure Committee meeting on July 22, 2015.

ACTION: Motion by Vice Chair Cole, second by Councilmember Zapf, to forward to full City Council to introduce the ordinance.

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

Gibson/Gomez

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

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

City Attorney Contact: Leone, Christine M.

ADOPTION AGENDA, CONSENT ITEMS

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

- \* ITEM-52: Amendment to Consultant Agreement with EFS Engineering, Inc., for As-Needed Assessment Engineering and Special District Administration Services (H105023). (Citywide.)

**ITEM DESCRIPTION:**

This action would authorize a First Amendment to continue a Consulting Agreement with EFS Engineering, Inc., for the purpose of providing consistent As-Needed Assessment Engineering and Special District Administration Services to the Park and Recreation Department's Maintenance Assessment Districts Program in an amount not to exceed \$875,000 over a term of five years.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 7/21/2015, Item 50. (Council voted 9-0):

(O-2016-1)

Authorizing and directing the Mayor, or his designee, to execute, for and on behalf of the City, the Amendment, which extends the Contract term through December 31, 2020, and increases the potential compensation to EFS Engineering, Inc., under the Contract by up to \$875,000 for a total amount not exceed \$1,750,000;

Authorizing the Chief Financial Officer to expend \$175,000 annually from January 1, 2016, through December 31, 2020, not to exceed a total amount of \$875,000, from Fund Number 200023 (Management Fund), Park & Recreation Dept/Maintenance Assessment Districts, for the purpose of funding the Contract, as amended by the Amendment, contingent upon adoption of the Annual Appropriation Ordinance for the applicable fiscal year, and provided that the Chief Financial Officer first furnishes one or more certificates that the funds necessary for expenditure are, or will be, on deposit in the City Treasury.

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

\* ITEM-53: Amendment 5 to Contract for Risk Analysis/Management Services with Haystax Technology (Formerly Digital Sandbox, Inc.). (Citywide.)

**ITEM DESCRIPTION:**

Request for approval to execute a Fifth Amendment by Ordinance to the Agreement with Haystax Technologies, Inc., for an additional five year Contract extension period to commence in August 2015, for a total of ten years ending in August 2020, and not to exceed additional \$12 million to provide Risk Management Program software services.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 7/21/2015, Item 51. (Council voted 9-0):

(O-2016-3)

Authorizing the Mayor, or his designee, to execute a Fifth Amendment to the Contract with Haystax Technologies, Inc. (formerly Digital Sandbox, Inc.) to extend that Contract for five additional years for Risk Management Program services and support for a California Statewide Program;

Authorizing the Chief Financial Officer to appropriate and expend \$1,383,556 from Fund 600000, available via the Fiscal Year 2014 Federal Department of Homeland Security Urban Area Security Initiative Grant Program for the purposes of funding the Risk Management Program tasks identified as part of the Fiscal Year 2014 Urban Area Security Initiative Grant;

Authorizing the Chief Financial Officer to appropriate and expend, contingent upon securing future fiscal years' Federal Department of Homeland Security Urban Area Security Initiative Grant Funding, an amount not to exceed twelve million dollars during the five year extension period of the Fifth Amendment to the Contract with Haystax Technologies, Inc., contingent upon the Chief Financial Officer furnishing one or more certificates certifying that the 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.**

- \* ITEM-54: Proposed Ordinance repealing various tobacco advertising provisions, and amending other provisions to regulate the advertising and promotion of tobacco products and e-cigarettes. (Citywide.)

**ITEM DESCRIPTION:**

Approve proposed Ordinance O-2015-96, repealing various existing tobacco advertising provisions, and amending other provisions to regulate tobacco and e-cigarette advertising and promotion.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 7/21/2015, Item 330. (Council voted 9-0):

(O-2015-96)

Amending Chapter 5, Article 8, Division 3, of the San Diego Municipal Code by amending Section 58.0301, repealing Section 58.0302 and amending and renumbering 58.0305 to 58.0302, repealing Section 58.0303 and adding a new Section 58.0303, repealing Section 58.0304, renumbering Sections 58.0306 to 58.0304, 58.0307 to 58.0305, 58.0308 to 58.0306, 58.0309 to 58.0307, 58.0310 to 58.0308, 58.0311 to 58.0309, and 58.0312 to 58.0310, all relating to restricting the sale, advertising, and promotion of tobacco products and electronic cigarettes to minors.

\* ITEM-55: Solar Energy Systems Ordinance. (Citywide.)

**ITEM DESCRIPTION:**

The proposed Land Development Code Amendments will bring the City into compliance with State Law (AB 2188) relating to the Solar Rights Act of 1978 as most recently amended on September 21, 2014. The Amendments create a new use category for “solar energy systems” and provide an expedited approval process to facilitate the development of small solar energy systems for single dwelling units and duplex development, and provide appeal rights for applicants in accordance with state law. City compliance by September 30, 2015, will allow the City to remain eligible to apply for and receive state-sponsored solar energy grant funds.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 7/21/2015, Item 335. (Council voted 9-0):

(O-2015-167)

Amending Chapter 11, Article 2, Division 5 of the San Diego Municipal Code by amending Section 112.0502; amending Chapter 12, Article 9, Division 1 by amending Section 129.0107; amending Chapter 12, Article 9, Division 3 by amending Section 129.0308; amending Chapter 13, Article 1, Division 2 by amending Section 131.0222; amending Chapter 13, Article 1, Division 3 by amending Section 131.0322; amending Chapter 13, Article 1, Division 4 by amending Section 131.0422; amending Chapter 13, Article 1, Division 5 by amending Section 131.0522; amending Chapter 13, Article 1, Division 6 by amending Section 131.0622; amending Chapter 14, Article 1, Division 4 By adding New Section 141.0418; amending Chapter 14, Article 2, Division 9 by amending Section 142.0905 and repealing Section 142.0911; amending Chapter 15, Article 1, Division 1 by amending Section 151.0103; amending Chapter 15, Article 5, Division 2 by amending Section 155.0238, relating to Solar Energy System Permit Processing.

\* ITEM-56: Castlerock Amendment, Project No. 388889. (East Elliot Community Plan Area. District 7.)

**ITEM DESCRIPTION:**

Approval of an amendment to the Castlerock Project located on a 44.9 acre site within the East Elliott Community Plan Area. The Castlerock Amendment revisions would reconfigure portions of the public streets, reduce the number of dwelling units in Unit 5 from 93 to 87 single-family homes, significantly reduce impacts to the natural drainage within Unit 5, and increase the on-site park from 4 to 5.3 acres (gross), as well as a modest increase in the pocket park acreage. The Project would maintain access to the public open space and trails; however, the revised Unit 5 site plan increases the development footprint by 3.4 acres and includes dedication of approximately 11.1 acres to the City Diego as open space.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the ordinances in Subitems A, B, and C, which were introduced on 07/21/2015, Item 338, Subitems B, C, and D. (Council voted 9-0):

Subitem-A: (O-2015-164)

Rezoning 9.3 acres located at the North side of Mast Boulevard, between Medina Drive and West Hills Parkway, adjacent to the City of Santee Boundary, within the East Elliott Community Plan Area, in the City of San Diego, California, from the RS-1-8 Zone into the RX-1-1 and OC-1-1 Zones, as defined by San Diego Municipal Code Section 131.0404 and 131.0203; and repealing Ordinance No. 10864 (New Series), adopted June 29, 1972 and Ordinance No. 20303 (New Series), adopted October 1, 2013, of the Ordinances of the City of San Diego insofar as the same conflicts herewith.

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

Subitem-B: (O-2015-165)

Approving Planned Development Permit No. 1366476, Site Development Permit No. 1366477, and MHPA boundary line adjustment for Castlerock Amendment Project No. 388889 amending Site Development Permit No. 19032, Planned Development Permit No. 19031, and MHPA boundary line adjustment for the Castlerock Project No. 10046.

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

Subitem-C: (O-2015-168)

Approving amended Vesting Tentative Map No. 1366479, Public Right-of-Way Vacation No. 1487841 and Easement Vacation No. 1366480 for Castlerock Amendment Project No. 388889.

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

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCES TO BE INTRODUCED WITH RESOLUTIONS TO BE ADOPTED:

- \* ITEM-60: Angier Elementary School Park Improvements Joint Use Agreement. (Serra Mesa Community Area. District 7.)

**ITEM DESCRIPTION:**

This action authorizes the Mayor, or his designee, to approve the Joint Use Agreement for Angier Elementary School. The Agreement will provide for the construction, operation and maintenance of a turf field and recreational facilities at the school.

**STAFF'S RECOMMENDATION:**

Introduce the ordinance in Subitem A and adopt the resolution Subitem B:

Subitem-A: (O-2016-8)

Introduction of an Ordinance authorizing the Mayor, or his designee, to execute, for and on behalf of the City, the lease and joint-use Agreement between the City and the San Diego Unified School District for the construction, operation, and maintenance of a turf field and recreation facilities at Angier Elementary School (Agreement) under the terms and conditions set forth in the document;

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-2016-66)

Determining that the Project is categorically exempt from California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15301-Existing Facilities, 15302-Replacement or Reconstruction, and 15303-New Construction or Conversion of Small Structures, and that an exception to the exemption does not apply;

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

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

This action will authorize the Joint-Use Agreement with the San Diego Unified School District. The total project cost of \$2,671,575, of which \$1,757,126 is for construction contract costs. Funds for the action are available in CIP S-00762 Angier Elementary School, Fund 400132, Serra Mesa Urban Community, Fund 400035, Serra Mesa Major District and Fund 400264, Private & Others Contribution-CIP. The annual maintenance of the joint-use site will cost approximately \$45,000 from the Fiscal Year 2017 Park & Recreation Department Budget. The cost of maintenance will be calculated and adjusted annually per the 25 Year Agreement. The fields will be open to the public in Fiscal Year 2017.

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

This item was heard at Infrastructure Committee meeting on July 22, 2015, and forwarded to the full City Council.

**ACTION:** Motion by Vice Chair Cole, second by Councilmember Zapf, to recommend Council introduce the ordinance.

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

Gibson/LoMedico

Primary Contact\Phone: Mark Nassar\619-533-6600  
Secondary Contact\Phone: Kevin Oliver\619-533-5139  
City Attorney Contact: Mercer, Mark M.

\* ITEM-61: Amendment No. 2 to the Consultant Agreement with AECOM USA, Inc., for the MBC Biosolids Storage Silos (9 & 10) Project. (District 6.)

**ITEM DESCRIPTION:**

Request Council authorization to execute the Second Amendment to the Agreement (H084253) with AECOM USA, Inc., for engineering design and construction support services for the Metro Biosolids Center (MBC) Biosolids Storage Silos (9 & 10) Project. This amendment provides additional funds to increase the engineering services under the Agreement.

**STAFF'S RECOMMENDATION:**

Introduce the ordinance in Subitem A and adopt the resolution in Subitem B:

Subitem-A: (O-2015-138 Cor. Copy 2)

Introduction of an Ordinance authorizing the Mayor, or his designee, to execute the Second Amendment to the Agreement with AECOM USA, Inc., for additional construction support services in CIP-S-00322, MBC Biosolids Storage Silos (9 & 10) Project, Fund 700009, Metro Sewer CIP, in an amount not to exceed \$54,330 contingent upon the adoption of the Fiscal Year 2016 Appropriation Ordinance and contingent upon the Chief Financial Officer furnishing a certificate certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$54,330 from CIP S-00322, MBC Biosolids Storage Silos (9 & 10) Project, Fund 700009, Metro Sewer CIP, for purposes of executing the Second Amendment to the Agreement, contingent upon the adoption of the Fiscal Year 2016 Appropriation Ordinance and contingent upon the Chief Financial Officer furnishing a certificate certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

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

Subitem-B: (R-2015-738)

Determining that the Project is categorically exempt from California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15301 and 15303, and that an exception to the exemption does not apply;

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

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

The total estimated cost for professional engineering services with AECOM USA, Inc., is \$1,008,886.50. Funding of \$954,556.50 was previously authorized and is available in CIP S-00322, Metro Biosolids Center (MBC) Biosolids Storage Silos (9 & 10) Project, Fund 700009, Metro Sewer CIP Fund, and funding for the additional \$54,330 is available in CIP S-00322, MBC Biosolids Storage Silos (9 & 10) Project, Fund 700009, Metro Sewer CIP Fund, for this purpose. Project costs may be reimbursed from future financing from a State Revolving Fund loan. No future funding is anticipated for this Agreement. Contingent upon adoption of the Fiscal Year 2016 Appropriation Ordinance, the City Comptroller's Certificate will be provided prior to contract award.

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

- AECOM USA, Inc.: Council approved the Agreement on March 20, 2009 (R-304713, \$883,233).
- The request for action for the Ordinance (O-20429) was heard at the Infrastructure Committee meeting on September 17, 2014, and the staff's recommendation forwarded to the full City Council.
- AECOM USA, Inc.: Council Approved Ordinance (O-20429) on November 25, 2014.
- This action was heard at the Infrastructure Committee meeting on July 22, 2015, and forwarded to the full City Council.

**ACTION:** Motion by Vice Chair Cole, second by Councilmember Zapf, to recommend Council introduce the ordinance.

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

Gibson/Chadwick

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

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

City Attorney Contact: Leone, Christine M.

**ADOPTION AGENDA, CONSENT ITEMS****RESOLUTIONS:**

- \* ITEM-100: Approving Multiple Award Construction Contract (MACC) Task No. 10, for Water and Sewer Group Job 816. (Pacific Beach Community Area. District 2.)

**ITEM DESCRIPTION:**

Council authorization is requested to allow the Mayor, or his designee, to authorize a MACC task order not to exceed \$20,000,000 for the design and construction of Water and Sewer Group Job 816 to T. C. Construction, Inc., one of the five short listed Multiple Award Construction Contracts (MACC) firms selected during the MACC process. Council approval is required for MACC task orders exceeding \$10 million.

**STAFF'S RECOMMENDATION**

Adopt the following resolutions:

Subitem-A: (R-2016-70)

Authorizing the Mayor, or his designee, for and on behalf of the City, to increase a task order to an amount not to exceed \$20,000,000 for the selected design-build firm T.C. Construction, Inc., for Water and Sewer Group 816 [Project], contingent upon the City Comptroller's first certifying that the funds are, or will be, on deposit with the City Treasurer;

Authorizing the use of City Force Work, Water Fund 700010, CIP S-13015, Water Utility CIP, Water and Sewer Group 816 (W) in an amount not to exceed \$1,910,000 for the purpose of the Project and related expenses, contingent upon the City Comptroller's first certifying that the funds are, or will be, on deposit with the City Treasurer;

Authorizing the use of City Force Work from Sewer in Fund 700008, CIP A-JA.00001, Annual Allocation - Sewer Main Replacements (B-00443) Muni Sewer CIP in an amount not to exceed \$140,000 for the purpose of the Project and related expenses, contingent upon the City Comptroller's first certifying that the funds are, or will be, on deposit with the City Treasurer;

Authorizing the Chief Financial Officer as delegated to Financial Management to appropriate and authorizing the City Comptroller to expend an amount not to exceed \$20,000,000 to fund task orders to the selected firm for the awarded design-build contract with three years in duration upon the adoption of the Annual Appropriation Ordinance for the applicable fiscal year, and contingent upon the City Comptroller first finishing one or more certificates demonstrating that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

Subitem-B: (R-2016-72)

Declaring that the Addendum to Mitigated Negative Declaration No. 255100, Project No. 352788, dated July 16, 2014 [Addendum to MND] for Water and Sewer Group Job 816 [Project], has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 *et seq.*), as amended, and the State guidelines thereto (California Code of Regulations Sections 15000 *et seq.*);

Declaring that the Addendum to MND reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of the Project;

Approving and finding that revisions to the Project now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that said Addendum to MND No. 255100, Project No. 352788, and incorporated herein by this reference;

Adopting the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the Project as required by this body in order to mitigate or avoid significant effects on the environment, a copy of which is attached hereto and incorporated herein by this reference, pursuant to California Public Resources Code Section 21081.6;

Directing the City Clerk to file a Notice of Determination [NOD] with the Clerk of the Board of Supervisors for the County of San Diego regarding the Project.

### **STAFF SUPPORTING INFORMATION:**

#### **FISCAL CONSIDERATIONS:**

Funds in the amount of \$19,211,831.76 for the Multiple Award Construction Contracts (MACC) Task Order are, or will be, available of which \$17,093,883.63 is from CIP S-13015, Water and Sewer Group Job 816, Fund 700010, Water Utility CIP, and \$2,117,948.13 is from CIP A-JA.00001, Annual Allocation - Sewer Main Replacements (B-00443), Fund 700008, Muni Sewer CIP, contingent upon the adoption of the Annual Appropriation Ordinance for the applicable fiscal year and contingent upon the Chief Financial Officer furnishing one or more certificates certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasurer. Funds will be allocated on a task order basis, and the projects will be phase funded through Fiscal Year 2018. The project costs may be reimbursed with current or future financing.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

This item was heard at the Infrastructure Committee meeting on July 22, 2015, and forwarded to full Council.

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

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

Gibson/Gomez

Primary Contact\Phone: Abi Palaseyed\619-533-4654, MS 908A

Secondary Contact\Phone: Carl Spier\619-533-5126, MS 908A

City Attorney Contact: De Lara, Jr., Pedro

\* ITEM-101: Authorization to Advertise and Award a Contract for the Purchase of Advanced Metering Infrastructure (AMI) Compatible Water Meters. (Citywide.)

**ITEM DESCRIPTION:**

This action will authorize the City to advertise and award a contract to furnish and deliver Advanced Metering Infrastructure (AMI) compatible water meters in an amount not to exceed \$17,800,000 over a five year period. The material required that will be provided under this Agreement is needed to replace failing or poor performing meters, and also to complete the expansion of the AMI Program.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2015-760)

Authorizing the Mayor, or his designee, to execute the contract, to the lowest responsible and reliable bidder, to furnish and deliver Advanced Metering Infrastructure (AMI) compatible water meters as needed for a not-to exceed amount of \$17,800,000 over a term of five years;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$17,800,000 over five years from Central Stores Revolving Fund 720040 for the purpose of funding the water meter Contract, contingent upon adoption of the Annual Appropriation Ordinance for the applicable fiscal year, and contingent upon the City Comptroller 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, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

The total not to exceed amount is \$17,800,000. Funds are, or will be, available in Central Stores Revolving Fund 720040, contingent upon adoption of the Annual Appropriation Ordinance for the applicable fiscal year, and contingent upon the City Comptroller first furnishing one or more certificates certifying that the funds necessary for expenditures are, or will be, on deposit with the City Treasurer.

Public Utilities Department will purchase AMI meters from Central Stores on an as-required basis. Funds for these purchases will be available in Water Utility Operating Fund 700011, contingent upon adoption of the Annual Appropriation Ordinance for the applicable fiscal year.

Estimated expenditures are as follows:

\$4,100,000 FY 16

\$6,700,000 FY 17

\$5,000,000 FY 18

\$1,000,000 FY 19

\$1,000,000 FY 20

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

This item was heard at the Committee on the Environment Committee meeting on July 15, 2015, and forwarded to the full Council with a recommendation to approve.

ACTION: Motion by Council President Pro Tern Emerald, second by Councilmember Cate, to adopt the resolution.

VOTE: 4-0; Alvarez-yea, Gloria-yea, Cate-yea, Emerald-yea.

Jones-Santos/LoMedico

Primary Contact\Phone: Isam Hireish\619-527-7434, MS 43

Secondary Contact\Phone: Tonia Carnell\619-527-7407, MS 43

City Attorney Contact: Palmucci, Raymond C.

- \* ITEM-102: Approving the plans and specifications and authorizing the execution of a construction contract for the implementation of the El Cuervo del Sur Wetlands Mitigation Project. (Torrey Pines Community Area. District 1.)

**ITEM DESCRIPTION:**

This item authorizes the Mayor to execute a contract with the Natures Image, Inc., for the construction of the El Cuervo del Sur Wetlands Mitigation Project, and authorizes the Chief Financial Officer to expend an amount not to exceed \$569,465 from the Transportation & Storm Water Department FY 2016 General Fund to fund the construction contract.

**STAFF'S RECOMMENDATION**

Adopt the following resolution:

(R-2016-54)

Approving the plans and specifications for the construction of the El Cuervo del Sur Wetlands Mitigation Project, as advertised by the Public Works Department;

Authorizing the Mayor, or his designee, to execute a construction contract with Natures Image, Inc., the lowest responsible and reliable bidder, in an amount not to exceed \$569,465, 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 expend an amount not to exceed \$569,465 from Fund 100000 - General Fund, Transportation & Storm Water Department - Storm Water Division Operating Budget, for the purpose of implementing the El Cuervo del Sur Wetlands Mitigation Project, contingent upon the Chief Financial Officer furnishing a certificate certifying that funds necessary for the expenditure are, or will be, on deposit with the City Treasurer.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

This item will authorize the expenditure of \$569,465 of the Fiscal Year 2016 General Fund (100000). Funds for this project have been budgeted in the FY 2016 Transportation & Storm Water Department Operating Budget.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

This item was heard at the Environment Committee meeting on July 15, 2015, as item 9 on the agenda.

**ACTION:** Motion by Council President Pro Tem Emerald, second by Councilmember Cate, to forward the item to be heard at the full City Council with a recommendation to adopt the resolution.

**VOTE:** 4-0; Alvarez-yea, Gloria-yea, Cate-yea, Emerald-yea.

Yousef/Gomez

Primary Contact\Phone: Travis Whitney\619-527-8058, MS 56

Secondary Contact\Phone: Gene Matter\619-527-7506, MS 56

City Attorney Contact: Kriozere, Kathryn F.

- \* ITEM-103: Authorization to execute a contract with JCI Jones Chemicals Inc., to provide sodium hypochlorite for Wastewater Facilities in the Public Utilities Department and ratification of past contract actions with Olin Corporation dba Olin Chlor Alkali Products Inc. (Citywide.)

**ITEM DESCRIPTION:**

Authorization to execute a contract with JCI Jones Chemicals Inc., to provide sodium hypochlorite for Wastewater Facilities in the Public Utilities Department. Ratifying the exercise of option years two through four with Olin Corporation dba Olin Chlor Alkali Products Inc.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2015-751)

Authorizing the Mayor, or his designee, to execute a contract with JCI Jones Chemical, Inc., to provide sodium hypochlorite in an amount not to exceed \$3,239,704 for the first contract year with four (4) one (1) year options, for a total cumulative not to exceed \$17,900,924 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 expend a cumulative amount not to exceed \$17,900,924, of which, \$17,645,863 is from the Metro Sewer Utility Fund 700001 and \$255,061 is from the Municipal Sewer Fund 700000, over the term of the contract of one (1) year and four (4) one (1) year options for the purpose of funding the chemical sodium hypochlorite with the vendor JCI Jones Chemicals, Inc., contingent upon the adoption of the Annual Appropriation Ordinance for the applicable fiscal year and contingent upon the Chief Financial Officer furnishing one or more certificates certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Ratifying the exercise option years two through four with Olin Corporation dba Olin Chlor Alkali Products, Inc., for sodium hypochlorite, Contract No. 4610000285, and the associated expenditure of \$10,392,224 in Fiscal Years 2012 through 2015. The expenditure of \$10,392,224 was expended for with certified funds made available by the Chief Financial Officer for Fiscal Year 2012 through 2015, which were on deposit with the City Treasurer.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

In Fiscal Year 2012 through 2015, the amount of \$10,392,224 was expended from the approved fiscal year budget from the Metro Sewer Utility Fund 700001 for the Olin Corporation dba Olin Chlor Alkali Products Inc. contract.

The total amount not to exceed for the JCI Jones Chemicals Inc., contract is \$17,900,924 for the term of the contract of one (1) year and four (4) one (1) year options. Funds are, or will be available in the amount of 17,645,863 from the Metro Sewer Utility Fund 700001, and \$255,061 from the Municipal Sewer Fund 700000, contingent upon the adoption of the Annual Appropriation Ordinance for the applicable fiscal year, and contingent upon the Chief Financial Officer furnishing one or more certificates certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasurer. Purchases to be made on an as-required basis.

Estimated expenditures are as follows:

Contract 1st Year: Fiscal Year 2016

Not to Exceed \$3,239,704 (Metro = \$3,193,543; Muni = \$46,161)

Contract Option Years 1-4: Fiscal Years 2017 to 2020

Not to exceed \$14,661,220 (Metro = \$14,452,320; Muni = \$208,900)

Total not to exceed Contract: \$17,900,924 (Metro = \$17,645,863; Muni = \$255,061)

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

This item was heard at the Environment Committee meeting on July 15, 2015, and approved to move forward to full Council.

**ACTION:** Motion by Council President Pro Tem Emerald, second by Councilmember Cate, to adopt the resolutions.

**VOTE:** Alvarez-yea, Gloria-yea, Cate-yea, Emerald-yea.

Mulvey/Chadwick

Primary Contact\Phone: Cheryl Lester\858-292-6447, MS 903

Secondary Contact\Phone: K.C. Shankles\619-221-8728, MS 45

City Attorney Contact: Leone, Christine M.

\* ITEM-104: As-Needed Cultural Resources Consultant Agreement with DUDEK. (Citywide.)

**ITEM DESCRIPTION:**

This item is requesting approval of the Agreement to retain the As-Needed Cultural Resources services of DUDEK for the Utilities Undergrounding Program in an amount not to exceed \$4,500,000. Professional services include performing monitoring, documentation and curation to protect cultural resources encountered during trench excavation in accordance with the California Environmental Quality Act.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2016-22)

Authorizing the Mayor, or his designee, to execute an Agreement with DUDEK, under the terms and conditions set forth in the Agreement, to provide As-Needed Professional Cultural Resources Consultant Services for the Transportation & Storm Water Department in an amount not to exceed \$4,500,000, contingent upon the adoption of the Fiscal Year 2016 Appropriation Ordinance and contingent upon the Chief Financial Officer first furnishing one or more certificates certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$4,500,000, over five years for the purpose of funding the As-Needed Cultural Resources Consultant Services Agreement with DUDEK contingent upon the City Comptroller first certifying funds are, or will be, on deposit with the City Treasurer;

Authorizing the Chief Financial Officer to expend \$1,000 from Internal Order No. 21002639, Archaeological Monitoring, Fund 200217, Underground Surcharge for the purpose of executing this Agreement and meeting minimum contract requirements.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

The maximum contract amount shall not exceed \$4,500,000, on a task order basis and upon authorization by the department's Contract Administrator. Funding for future tasks will be from projects requiring these services in the Utilities Undergrounding Program, Fund 200217 Underground Surcharge Fund.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

This item was heard at the Environment Committee meeting on July 15, 2015, and forwarded to full City Council.

**ACTION:** Motion by Council President Pro Tem Emerald, second by Councilmember Cate, to adopt the resolution.

**VOTE:** 4-0; Alvarez-yea, Gloria-yea, Cate-yea, Emerald-yea.

McFadden/LoMedico

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

Secondary Contact\Phone: James Nabong\619-533-3721, MS 608

City Attorney Contact: Gerrity, Ryan P.

- \* ITEM-105: Cooperative Agreement with Caltrans for the Construction of State Route 163 and Friars Road Interchange Project - Phase 1. (Mission Valley Community Area. District 7.)

**ITEM DESCRIPTION:**

This action will enter into a Cooperative Agreement with Caltrans to advertise, award and administer the construction of State Route 163 and Friars Road Interchange Project, Phase 1.

**STAFF'S RECOMMENDATION:**

Adopting the following resolution:

(R-2016-49)

Authorizing the Mayor, or his designee, to execute a Construction Cooperative Agreement with Caltrans, under the terms and conditions set forth in the Agreement, for an amount not to exceed \$32,260,000 for the construction of CIP S-00851, State Route 163 and Friars Road Interchange Project, contingent upon the City Comptroller first furnishing one or more certificates certifying the funds are, or will be, on deposit with the City Treasurer;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$20,260,000 from CIP S-00851, State Route 163 and Friars Road Interchange Project from the Fiscal Year 2016 Budget, of which \$7,000,000 is from Fund 400135, Mission Valley - Urban Community, \$1,260,000 is from Fund 400174, RTCIP and \$12,000,000 is from Fund 400169, Transnet, for the purpose of executing this Construction Cooperative Agreement with Caltrans, and contingent upon the City Comptroller first furnishing one or more certificates demonstrating the funds are, or will be, on deposit with the City Treasurer;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$10,000,000, from CIP S-00851, State Route 163 and Friars Road Interchange Project, of which \$5,000,000 is from Fund 400135, Mission Valley-Urban Community, \$2,000,000 is from Fund 400174, Regional Transportation Congestion Improvement Program (RTCIP), and \$3,000,000 is from Fund 400169, Transnet for the purpose of executing this Construction Cooperative Agreement with Caltrans, contingent upon the adoption of the Fiscal Year 2017 Budget and contingent upon the City Comptroller first furnishing one or more certificates demonstrating the funds are, or will be, on deposit with the City Treasurer;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$2,000,000, from CIP S-00851, State Route 163 and Friars Road Interchange Project, Fund 400169, Transnet for the purpose of executing this Construction Cooperative Agreement with Caltrans contingent upon the adoption of the Fiscal Year 2018 Budget and contingent upon the City Comptroller first furnishing one or more certificates demonstrating the funds are, or will be, on deposit with the City Treasurer.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

Funding for this Agreement is available as follows:

a. Funding in Fiscal Year 2016 Budget in the amount of \$20,260,000 is available from CIP S-00851, State Route 163 and Friars Road Interchange Project, of which \$7,000,000 is from Fund 400135, Mission Valley - Urban Community, \$1,260,000 is from Fund 400174, Regional Transportation Congestion Improvement Program (RTCIP), and \$12,000,000 is from Fund 400169, Transnet; and

b. Contingent upon the approval of the Fiscal Year 2017 Budget: \$10,000,000, from CIP S-00851, State Route 163 and Friars Road Interchange Project, of which \$5,000,000 is from Fund 400135, Mission Valley - Urban Community, \$2,000,000 is from Fund 400174, RTCIP, and \$3,000,000 is from Fund 400169, Transnet; and

c. Contingent upon the approval of the Fiscal Year 2018 Budget: \$2,000,000, from CIP S-00851, State Route 163 and Friars Road Interchange Project, Fund 400169, Transnet.

The funding for this project will be certified by the Comptroller on an annual basis for the Fiscal Years 2016 thru 2018 contingent upon the adoption of the budget in the Annual Appropriation Ordinance for the appropriate Fiscal Years.

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

- Resolution No. R-298491 dated October 14, 2003, the authorized Cooperative Agreement with Caltrans for the design oversight of the project; OO-20003 dated November 9, 2010, authorized Amendment No. 1 to the Cooperative Agreement to extend the expiration date; OO-20288 dated July 30, 2013, authorized Amendment No. 2 to Cooperative Agreement to compensate Caltrans for "Reimbursed Work".

- This item was approved at the Infrastructure Committee meeting on July 22, 2015, and forwarded to City Council.

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

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

Gibson/Gomez

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.

- \* ITEM-106: Termination and Surrender Agreement and Assignment and Assumption Agreement to secure Ponderosa Avenue site for future Fire-Rescue Air Operations Facility. (Kearny Mesa Community Area and San Diego County. District 6.)

**ITEM DESCRIPTION:**

This action is to approve both a Lease Termination and Surrender Agreement and an Assignment & Assumption of Lease Agreements document and also to give staff approval to negotiate a Memorandum of Understanding only with the SD Fire-Rescue Department. Approval of these Agreements will allow the City to control the property. And, if approval is given to negotiate with the SD Fire-Rescue Department, it will give them a long term home for their Fire-Rescue Air Operations Facility, while at the same time freeing up valuable property on Montgomery Field to be leased at its highest and best use.

**STAFF'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2016-23)

Authorizing the Mayor, or his designee, to execute, and take all actions necessary to administer, that certain Lease Termination and Surrender of Tenancy Agreement between the City of San Diego and the Routh Family Trust, under the terms and conditions set forth in that Agreement;

Authorizing the Mayor, or his designee, to execute, and take all actions necessary to administer, that certain Assignment & Assumption Agreement between the City of San Diego and the Routh Family Trust, under the terms and conditions set forth in that Agreement.

Subitem-B: (R-2016-24)

Declaring that the Council of the City of San Diego, using its independent judgment, has considered the written record and public comment for City staff's request to accept and execute a Lease Termination and Surrender of Tenancy Agreement between the City of San Diego and Dyanne M. Routh, Trustee for the Routh Family Trust and to accept and execute a Assignment & Assumption of Lease Agreements between the City of San Diego and Dyanne M. Routh, Successor to the Routh Family Trust, and determining that said activity is categorically exempt from California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, and that an exception to the exemption as set forth in CEQA Guidelines Section 15300.2 does not apply.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

Short term (FAA Sublease): Additional rent of \$674.26/Mo. to the Airport Enterprise Fund.  
Pending an appraisal: Long Term (Proposed Air-Ops Facility): Additional Rent of approximately \$7,675/Mo. or \$92,100/Yr. to the Airport Enterprise Fund. The Fire-Rescue Department has not identified funds within its FY16 General Fund Operating Budget for the lease and maintenance of the building. The Fire-Rescue Department would need to seek a midyear budget adjustment for the cost of leasing/maintaining the building. The rent will be determined by an appraisal, but is estimated to be approximately \$180K per year.

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

This item was heard and approved at the Economic Development and Intergovernmental Relations Committee meeting on June 25, 2015.

**ACTION:** Motion by Councilmember Cate, second by Council President Lightner, to recommend City Council adopt the resolution to approve a Termination and Surrender Agreement and Assignment and Assumption Agreement to secure Ponderosa Avenue site for a future Fire-Rescue air operations facility.

**VOTE:** 3-0; Kersey-yea, Lightner-yea, Cate-yea, Cole-not present.

Thompson/LoMedico

Primary Contact\Phone: Brandi Mulvey\858-573-1433

Secondary Contact\Phone: Rod Propst\858-573-1441

City Attorney Contact: Bevier, Debra J.

\* ITEM-107: As-Needed Consultant Services Agreement with SCS Engineers (SCS) Related to Greenhouse Gas Regulations for Landfills. (Citywide.)

**ITEM DESCRIPTION:**

The Environmental Services Department (ESD) is requesting City Council approval of an Agreement not to exceed \$1,900,000 with SCS Engineers (SCS) to provide as-needed services related to greenhouse gas (GHG) regulations for landfills to assist the City of San Diego in complying with applicable GHG regulations at City landfill sites.

**STAFF'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2016-62)

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City, an Agreement with SCS Engineers (SCS) for As-Needed Environmental Engineering Services related to greenhouse gas (GHG) regulations for landfills, for a period of five years, in an amount not to exceed \$1,900,000, under the terms and conditions set forth in the Agreement;

Authorizing the Chief Financial Officer to appropriate and expend an amount not to exceed \$1,900,000 from Refuse Disposal Fund No. 700039, solely and exclusively, to provide funds for the Agreement, contingent upon Council approval of the Annual Appropriations Ordinance for the applicable fiscal year and upon the Chief Financial Officer first furnishing one or more certificates demonstrating funds are, or will be, on deposit with the City Treasurer;

Authorizing the Chief Financial Officer to appropriate and expend \$1,000 from Refuse Disposal Fund No. 700039, for the purpose of executing this Agreement and meeting minimum contract requirements. (Rev. 7/29/15)

Subitem-B: (R-2016-63)

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

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

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

This action will authorize the expenditure of an amount not to exceed \$1,900,000 from the Refuse Disposal Fund No. 70039.

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

This item was heard at the Environment Committee meeting on July 15, 2015, and forwarded to the full Council.

**ACTION:** Motion by Council President Pro Tem Emerald, second by Councilmember Cate, to adopt the resolution and agreement.

**VOTE:** 4-0; Alvarez-yea, Gloria-yea, Cate-yea, Emerald-yea.

Sierra/LoMedico

Primary Contact\Phone: Michael D. Thompson\858-492-6151

Secondary Contact\Phone: Ray Purtee\858-573-1208

City Attorney Contact: Guy, Amanda L.

- \* ITEM-108: Consultant Services Agreement with SCS Engineers (SCS) for Landfill Gas Collection System Maintenance for the Arizona Street and South Chollas Landfills. (Citywide.)

**ITEM DESCRIPTION:**

The Environmental Services Department (ESD) is requesting City Council approval of a Consultant Services Agreement in an amount not to exceed \$500,000 with SCS Engineers (SCS) to provide Landfill Gas Collection System maintenance services to ensure regulatory compliance and optimize gas collection efficiency at two City of San Diego inactive landfill sites, the Arizona Street and South Chollas Landfills.

**STAFF'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2016-64)

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City, an Agreement with SCS Engineers (SCS) for environmental engineering services related to landfill gas collection system maintenance for the Arizona Street and South Chollas Landfills, in an amount not to exceed \$500,000, under the terms and conditions set forth in the Agreement;

Authorizing the Chief Financial Officer to appropriate and expend an amount not to exceed \$500,000 from Refuse Disposal Fund No. 700039, solely and exclusively, to provide funds for the Agreement, contingent upon Council approval of the Annual Appropriations Ordinance for the applicable fiscal year and upon the Chief Financial Officer first furnishing one or more certificates demonstrating funds are, or will be, on deposit with the City Treasurer.

Subitem-B: (R-2016-65)

Determining that the Project is categorically exempt from California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 and Section 15306, and that an exception to the exemption does not apply;

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

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

This action will authorize the expenditure of an amount not to exceed \$500,000 from the Refuse Disposal Fund No. 70039.

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

This item was heard at the Environment Committee meeting on July 15, 2015, and forwarded to full Council.

**ACTION:** Motion by Council President Pro Tem Emerald, second by Councilmember Cate, to adopt the resolution and agreement.

**VOTE:** 4-0; Alvarez-yea, Gloria-yea, Cate-yea, Emerald-yea.

Sierra/Gomez

Primary Contact\Phone: Michael D. Thompson\858-492-6151, MS 1103A

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

City Attorney Contact: Guy, Amanda L.

\* ITEM-109: Agreement with Ocean Imaging, Inc., for Coastal Remote Sensing of the San Diego/Tijuana Region. (Citywide.)

**ITEM DESCRIPTION:**

This action is requesting approval of the Agreement for Ocean Imaging, Inc., for providing satellite and aerial coastal remote sensing services to maintain the City's regulatory and contractual obligations for the Point Loma and South Bay Outfall region. The Agreement requires the City of San Diego to fund this project for a total of \$1,166,000 for Fiscal Years 2016-2020.

**STAFF'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2015-761)

Authorizing the Mayor, or his designee, to execute an Agreement with Ocean Imaging, Inc., for coastal remote sensing services in an amount not to exceed \$1,166,000 for Fiscal Years 2016-2020;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$1,166,000 from Metro Sewer Utility Fund 700001 for the purpose of funding this Agreement, of which \$215,000 is for FY 2016, and \$951,000 is for the total of the four option years, estimated to be spent as follows: \$220,000 in FY 17; \$231,000 in FY18, \$245,000 in FY19, \$255,000 in FY 20, contingent upon adoption of the Annual Appropriation Ordinance for the applicable fiscal year, and contingent upon the City Controller first furnishing one or more certificates certifying that the funds necessary for expenditures are, or will be, on deposit with the City Treasurer.

Subitem-B: (R-2015-762)

Determining that the Agreement is categorically exempt from California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15306 (Information Collection);

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

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

The total not to exceed amount of this Agreement is \$1,166,000, of which \$215,000 is for Fiscal Year 2016 and \$951,000 is for the total of the four option years. Funding is, or will be, available in the Metro Sewer Utility Fund 700001, contingent upon adoption of the Annual Appropriation Ordinance for the applicable fiscal year, and contingent upon the City Comptroller first furnishing one or more certificates certifying that the funds necessary for expenditures are, or will be, on deposit with the City Treasurer. The four option years are estimated to be spent as follows: \$220,000 in FY17; \$231,000 in FY18; \$245,000 in FY19; and \$255,000 in FY20.

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

This item was heard at the Environment Committee meeting on July 15, 2015, and forwarded to the full Council with a recommendation to approve.

**ACTION:** Motion by Council President Pro Tem Emerald, second by Councilmember Cate, to adopt the Resolution and Agreement.

**VOTE:** 4-0; Alvarez-yea, Gloria-yea, Cate-yea, Emerald-yea.

Mulvey/Gomez

Primary Contact\Phone: Tim Stebbins\619-758-2329, MS 45A  
Secondary Contact\Phone: Maiko Kasuya\619-758-2352, MS 45A  
City Attorney Contact: Leone, Christine M.

- \* ITEM-110: Contract Amendment No. 3 to the Construction Management Agreement with Jacobs Project Management Co. (JPM) for the Point Loma Grit Processing Improvement Project. (Peninsula Community Area. District 2.)

**ITEM DESCRIPTION:**

Request Council Authorization to execute the Third Amendment of the Agreement (H094759) with Jacobs Project Management Co. (JPM) for construction management services for the Point Loma Grit Processing Improvement Project. This Amendment provides additional funds to the existing scope of work. The additional funds will allow JPM to continue construction management tasks for the new grit processing facility.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2015-737)

Authorizing the Chief Financial Officer to transfer appropriations of \$346,885 from AB-BO.00001, Annual Allocation - Metro Treatment Plants, Fund 700009, Metro Sewer CIP;

Authorizing the Mayor, or his designee, to execute the Third Amendment to the Agreement with Jacobs Project Management Company for construction management services in CIP S-00315, Point Loma Grit Processing Improvements, Fund 700009, Metro Sewer CIP, in an amount not to exceed \$346,885;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$346,885 from CIP S-00315, Point Loma Grit Processing Improvements, Fund 700009, Metro Sewer CIP, for purposes of construction management services.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

The total cost for professional construction management services with Jacobs Project Management Co. is \$3,887,484. Funding of \$3,540,599 was previously authorized and is available in CIP S-00315, Point Loma Grit Processing Improvements, Fund 700009, Metro Sewer CIP Fund, and funding for the additional \$346,885 will be available in CIP S-00315, Point Loma Grit Processing Improvements, Fund 700009, and Metro Sewer CIP for this purpose. Authorize the transfer of \$346,885 from A-BO.00001, Annual Allocation - Metro Treatment Plants, Fund 700009, Metro Sewer CIP, to CIP S-00315, Point Loma Grit Processing Improvements, Fund 700009, Metro Sewer CIP of which \$346,885 will be used for Amendment No. 3 with Jacobs Project Management Co. (JPM). The project cost may be reimbursed with current or future financing. This Agreement is scheduled to be funded in FY 2015. No future funding is anticipated for this agreement.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

- Council approved the Original Agreement on December 29, 2010 (R-306042, \$2,409,040).
- Council approved Amendment No.1 on December 17, 2013 (R-308666, \$762,706). This action was heard by the Infrastructure Committee on October 28, 2013.
- Council approved Amendment No.2 on February 26, 2015 (R-309493, \$368,853).
  
- This action was heard by the Infrastructure Committee on January 21, 2015.
  
- This item was heard at the Infrastructure Committee meeting on July 22, 2015, and forwarded to the full Council.

ACTON: Motion by Vice Chair Cole, second by Councilmember Zapf, to forward staff's recommendation to City Council to adopt the resolution.

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

Gibson/Gomez

Primary Contact\Phone: Myrna Dayton\858-627-3220  
Secondary Contact\Phone: Michael Marks\858-627-3253  
City Attorney Contact: Leone, Christine M.

- \* ITEM-111: Community Development Block Grant Funds for City Facility Improvements. (Encanto, Greater Golden Hill, Mid-City: City Heights, Mid-City: Eastern, Mid-City: Kensington-Talmadge, Navajo, Otay Mesa-Nestor, San Ysidro, and Southeastern San Diego Community Areas. Districts 3, 4, 7, 8, and 9.)

**ITEM DESCRIPTION:**

This action will allocate Reprogrammed and Fiscal Year 2016 approved Community Development Block Grant (CDBG) Funding to improve Library and Park and Recreation facilities as well as install new sidewalks and traffic calming measures in Housing and Urban Development (HUD) qualified low and moderate income areas and service areas.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2016-75)

Approving the City's funding recommendations for City Facility Improvements, set forth in Attachment A of the accompanying Council Action Executive Summary Sheet, contingent upon the Chief Financial Officer certifying that funds are available;

Authorizing the Chief Financial Officer to appropriate and expend \$1,516,779.47 from Fund 600000, Grant 1000003-2015 CDBG 2015 and \$917,470.53 from Fund 600000, Grant 1000003-2016 CDBG 2016, in the following Projects approved for Fiscal Year 2016 CDBG Funding for the purpose of construction, contingent upon the Chief Financial Officer certifying the funds are available:

- (a) Library Facility Improvements - \$634,250;
- (b) Parking Lot ADA Improvements - \$700,000;
- (c) Old San Ysidro Fire Station 29 Building Clearance Activity - \$750,000; and
- (d) Hard Court Improvements - \$350,000.

Authorizing the Chief Financial Officer to increase the Capital Improvements Budget in Fund 600000, Grant 1000003-2016, and to appropriate and expend \$672,600 from Fund 600000, Grant 1000003-2016 CDBG 2016, in the following Annual Allocations for the purpose of construction, contingent upon the Chief Financial Officer certifying the funds are available:

- (a) A-IK.00001 New Walkways - \$650,000; and
- (b) A-IL.00001 Traffic Calming - \$22,600.

Authorizing the Chief Financial Officer to transfer appropriations of \$200,000 from CIP A-BE.00001, Americans with Disabilities Improvements, to CIP A-IL.00001, Traffic Calming, within Fund 600000, Federal Grants, Grant No. 1000003-2015 for the construction of the Orange Avenue between 49th Street and Winona Avenue Crosswalk and Traffic Chokers Project (B-12080).

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

None. All funding for these actions come from Housing and Urban Development Program (HUD). These actions will not result in any fiscal impacts to the City's General Fund.

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

- On April 28, 2015, City Council approved the FY 2016 HUD Annual Action Plan.
- On July 22, 2015, the Infrastructure Committee approved motion to forward the staff recommendation to City Council.

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

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

Moreno/Graham

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

Secondary Contact\Phone: Sima Thakkar\619-236-5902

City Attorney Contact: Reid, Michael T.

\* ITEM-112: Fiscal Year 2015 Urban Areas Security Initiative (UASI) Grant Program.  
(Citywide.)

**ITEM DESCRIPTION:**

This action will authorize the Mayor, or his designee, to apply for, accept, appropriate, expend, and take all necessary actions to secure grant funds from the Fiscal Year 2015 Urban Areas Security Initiative (UASI), a U.S. Department of Homeland Security Grant Program.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2016-77 Cor. Copy)

Authorizing the Mayor, or his designee, to apply for, accept, and take all necessary actions to secure \$16,874,000 in grant funds, and any additional grant funding awarded under this program, from the California Governor's Office of Emergency Services for the purpose of implementing the FY 2015 Urban Areas Security Initiative (UASI) Grant Program;

Authorizing the Chief Financial Officer to appropriate and expend the \$16,874,000 in grant funds, and any additional grant funding awarded under the FY 2015 Urban Areas Security Initiative (UASI) Grant Program, as well as execute all agreements necessary for the purpose of implementing the FY 2015 Urban Areas Security Initiatives Grant Program, contingent upon funding being secured.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

The U.S. Department of Homeland Security provides Urban Areas Security Initiative (UASI) funds through the California Office of Emergency Services, which grants them to the City of San Diego to administer for the entire San Diego Urban Area (SDUA). The UASI Grant Program enhances the City's and the region's security and public safety at no cost to the City. There is no non-federal match or cost share required for grants under the UASI Program. However, these grants are reimbursable in nature, requiring the City to expend funds prior to requesting reimbursement. For this requested action, the total amount to be expended is \$16,874,000 which includes potential additional State Retention Funds, and the total amount will be spent over multiple fiscal years; additional re-allocated grant funds could increase the SDUA's FY 2015 UASI award even further. Expenditures will be initially sourced from Fund 600000 (Grant Fund - Federal), and then reimbursed from the federal FY 2015 UASI Grant Program.

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

Valencia/Chadwick

Primary Contact\Phone: John Valencia\619-533-6763

Secondary Contact\Phone: Katherine Jackson\619-533-6761

City Attorney Contact: Peter, Linda L.

\* ITEM-113: Metropolitan Airpark, LLC, Solar Ground Lease at Brown Field Airport. (Otay Mesa Community Area. District 8.)

**ITEM DESCRIPTION:**

This action is to approve a Solar Ground Lease with Metropolitan Airpark, LLC, successor in interest to Brown Field International Business Park, LLC. The lease will provide the City with mitigation land required for the development of Brown Field Airport as well as 5-8 Megawatts (MW) of renewable energy for the region, Brown Field Airport and/or other City facilities.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2016-27)

Authorizing the Mayor, or his designee, to execute that certain Solar Ground Lease between the City of San Diego and Metropolitan Airpark, LLC, for the operation of a solar field at Brown Field Airport.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

In lieu of monthly rent being paid to City by Lessee during the Initial Term of 25 years, Lessee will acquire and convey the required mitigation land to the City. If Lessee continues to use the Premises as a solar field after the Initial Term, Lessee shall pay the City as rent 50% of any revenues received, or the value of any compensation (monetary or non-monetary) received, by Lessee from the operation of the solar field. If Lessee puts the Premises to a non-solar field use following the Initial Term, then Lessee shall lease said Premises from City subject to the terms of a Parcel Ground Lease then applicable for other leaseholds granted to Lessee.

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

This item was heard and approved at the Economic Development and Intergovernmental Relations Committee meeting on June 25, 2015.

**ACTION:** Motion by Council President Lightner, second by Councilmember Cate, to recommend City Council adopt the resolution to approve a Solar Ground Lease Agreement between the City of San Diego and Metropolitan Airpark, LLC.

**VOTE:** 3-0; Kersey-yea, Lightner-yea, Cate-yea, Cole- not present.

Thompson/LoMedico

Primary Contact\Phone: Brandi Mulvey\858-573-1433  
Secondary Contact\Phone: Rod Propst\858-573-1441  
City Attorney Contact: Bevier, Debra J.

\* ITEM-114: District Office Lease at 9625 Black Mountain Road. (Mira Mesa Community Area. District 6.)

**ITEM DESCRIPTION:**

Approve requested action.

**COUNCILMEMBER CATE'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2016-80)

Authorizing and directing the Mayor, or his designee, to execute that certain Nonresidential Lease Agreement, Commercial, Industrial or Office by and between the City of San Diego and 2419 29th Street LLC., for the lease of office space at 9625 Black Mountain Road, Suite 214, San Diego, California 92126;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$9,750 from Fund No. 100000, General Fund, Cost Center No. 1106000006, Council District 6, in Fiscal Year 2016, and expend an amount not to exceed \$1,950 from Fund No. 100000, General Fund, Cost Center No. 1106000006, Council District 6, in Fiscal Year 2017, contingent upon the adoption of the Fiscal Year 2017 Appropriation Ordinance and further contingent upon the Chief Financial Officer furnishing a certificate certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

Subitem-B: (R-2016-81)

Declaring that the City Council, using its independent judgment, has considered the written record and public comment for the requested authorization, and determining that the Project is categorically exempt from California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15301, as it allows for the leasing of an existing public or private structures or facilities, with negligible or no expansion of use;

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

**SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

Authorize the Chief Financial Officer to expend an amount not to exceed \$9,750 from Fund No. 100000, General Fund, Cost Center No. 1106000006, Council District 6, in FY2016, and expend an amount not to exceed \$1,950 from Fund 100000, General Fund, Cost Center 1106000006, Council District 6, in FY2017, contingent upon the adoption of the Fiscal Year 2017 Appropriation Ordinance and contingent upon the Chief Financial Officer furnishing a certificate certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

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

Hauser

Primary Contact\Phone: James Hauser\619-533-6465  
Secondary Contact\Phone: Aurora Brown\619-236-6124  
City Attorney Contact: Mendoza, Hilda R.

\* ITEM-115: Angle Parking on Alabama Street between Polk Avenue and Lincoln Avenue.  
(North Park Community Area. District 3.)

**ITEM DESCRIPTION:**

A resolution to install angle parking on the east side of Alabama Street between Polk Avenue and Lincoln Avenue in the Community of North Park.

**STAFF'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2016-25)

Authorizing the installation of angle parking on the east side of Alabama Street between Polk Avenue and Lincoln Avenue, in accordance with San Diego Municipal Code Section 86.0104 and California Vehicle Code Section 22503;

Authorizing the installation of necessary signs and marking for such angle parking, and the regulations shall become effective on installation of signs;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$4,726.70 from General Fund 100000, Transportation & Storm Water - Street Division's Operating Budget, contingent upon the adoption of the Fiscal Year 2016 Appropriation Ordinance, for the installation of angle parking on the east side of Alabama Street between Polk Avenue and Lincoln Avenue.

Subitem-B: (R-2016-26)

Determining that installing angle parking on the east side of Alabama Street between Polk Avenue and Lincoln Avenue is categorically exempt from California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301;

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

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

The striping of the head-in parking spaces will be installed by the City of San Diego Street Division at a cost of \$4,726.70. Funds are available in Street Division's Operating Budget.

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

McFadden/LoMedico

Primary Contact\Phone: Gary Pence\619-533-3184, MS 609  
Secondary Contact\Phone: Linda Marabian\619-533-3082, MS 608  
City Attorney Contact: Gerrity, Ryan P.

\* ITEM-116: Settlement of personal injury claim of Jane Doe, Risk Management File No. 9112.

**ITEM DESCRIPTION:**

This a complaint for personal injuries suffered by Jane Doe as the result of her detainment by former San Diego Police Officer Christopher Hays which resulted in her injuries. The proposed settlement would resolve all claims brought by Jane Doe.

**CITY ATTORNEY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2015-773)

Authorizing the Mayor, or his designee, to pay the sum of \$550,000 from the Public Liability Fund 720045, 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 personal injury claim of Jane Doe, United States District Court Case No. 15cv0211 LAB (JLB);

Authorizing the Chief Financial Officer to appropriate and expend \$550,000 from the Public Liability Fund 720045, contingent upon the Chief Financial Officer first furnishing one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the City Comptroller to issue a check as follows: A check for the amount of \$550,000, made payable to "Law Offices of Brian Watkins and Jakema Randolph" for Jane Doe.

**SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

Settlement amount of \$550,000, will be paid from the Public Liability Fund, Fund Number 720045.

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

The item was approved in Closed Session on June 2, 2015.

Bamberg

Primary\City Attorney Contact\Phone: Keith W. Phillips\619-236-6695, MS 51B

\* ITEM-117: Settlement of property damage claim of Chad Farmer and Jami Glassman, Risk Management Claim Nos. 8638 and 8738.

**ITEM DESCRIPTION:**

This item seeks approval to pay the property damage claim of Chad Farmer and Jami Glassman as a result of water main breaks October 11, 2013, and November 2, 2013.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2016-58)

Authorizing the Mayor, or his designee, to pay the sum of \$800,000 from the Water Utility Operating Fund 700011, in settlement of each and every claim for damages, interest, costs and fees of any type, including but not limited to attorney fees, against the City of San Diego, its agents and employees resulting from the damage claims of Chad Farmer and Jami Glassman;

Authorizing the Chief Financial Officer to expend the amount of \$800,000 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 one check in the amount of \$800,000 made payable to Chad Farmer and Jami Glassman.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

Settlement amount of \$800,000 will be paid from the Water Utility Operating Fund 700011.

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

The item was approved at Closed Session on June 9, 2015.

Montoya/Lewis

Primary Contact\Phone: James Coldren\619-236-5598, MS 51B

Secondary\City Attorney Contact\Phone: Cathy Richardson\619-533-4713, MS 59

\* ITEM-118: Settlement of property damage claim of Chartis Property Casualty Company (aka AIG Property Casualty Company), Risk Management Claim Nos. 8638 and 8738.

**ITEM DESCRIPTION:**

This item seeks approval to pay the property damage claim of Chartis Property Casualty Company (aka AIG Property Casualty Company), as a result of water main breaks on October 11, 2013, and November 2, 2013.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2016-57)

Authorizing the Mayor, or his designee, to pay the sum of \$382,800 from the Water Utility Operating Fund 700011, in settlement of each and every claim for damages, interest, costs and fees of any type, including but not limited to attorney fees, against the City of San Diego, its agents and employees resulting from the property damage claim of Chartis Property Casualty Company (aka AIG Property Casualty Company);

Authorizing the Chief Financial Officer to expend the amount of \$382,800 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 one check in the amount of \$382,800 made payable to AIG Property Casualty Company.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

Settlement amount of \$382,800 will be paid from the Water Utility Operating Fund 700011.

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

The item was approved at Closed Session on June 9, 2015.

Montoya/Lewis

Primary Contact\Phone: James Coldren\619-236-5598, MS 51B

Secondary\City Attorney Contact\Phone: Cathy Richardson\619-533-4713, MS 59

\* ITEM-119: Settlement of personal injury claim of Claudia Ariza, Risk Management File No. 9240.

**ITEM DESCRIPTION:**

This a complaint for personal injuries suffered by Claudia Ariza as the result of her encounter with former San Diego Police Officer Christopher Hays. The proposed settlement would resolve all claims brought by Claudia Ariza.

**CITY ATTORNEY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2015-766)

Authorizing the Mayor, or his designee, to pay the sum of \$400,000 from the Public Liability Fund 720045, 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 personal injury claim of Claudia Ariza, United States District Court Case No. 14cv1488 DMS (DHB);

Authorizing the Chief Financial Officer to appropriate and expend \$400,000 from the Public Liability Fund 720045, contingent upon the Chief Financial Officer first furnishing one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the City Comptroller to issue a check as follows: A check for the amount of \$400,000, made payable to "Gilleon Law Firm and Claudia Ariza" for Claudia Ariza.

**SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

Settlement amount of \$400,000, will be paid from the Public Liability Fund Number 720045.

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

The item was approved in Closed Session on June 23, 2015.

Bamberg

Primary\City Attorney Contact\Phone: Keith W. Phillips\619-236-6695, MS 51B

- \* ITEM-120: Appointment of the City's Management Team for the purposes of Meeting and Conferring with the City's recognized employee organizations.

**ITEM DESCRIPTION:**

Appointment of the City's Management Team for the purposes of Meeting and Conferring with the City's recognized employee organizations.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2016-71)

Declaring that pursuant to California Government Code Sections 3505 and 54957.6(a), City Council Policy 300-06, and other applicable state and local laws and regulations, the Council designates the following individuals as the City's representatives on the Management Team for negotiations with the City's recognized employee organizations and authorizes these representatives to attend Closed Session meetings for the purpose of providing information to the Council related to meet and confer and receiving instruction from the Council, so that the Management Team representatives may participate in meet and confer on behalf of the City, taking Council-approved bargaining positions:

Timothy Davis, Burke, Williams, & Sorensen LLP, Labor Negotiation Consultant  
Scott Chadwick, Chief Operating Officer  
Mary Lewis, Chief Financial Officer  
Stacey LoMedico, Assistant Chief Operating Officer  
David Graham, Deputy Chief Operating Officer  
Paz Gomez, Deputy Chief Operating Officer  
Ron Villa, Deputy Chief Operating Officer  
Mike Hansen, Director of Land Use and Environmental Policy, Office of the Mayor  
Almis Udrys, Performance and Analytics Director, Office of the Mayor  
Judy von Kalinowski, Human Resources Director  
Karen DeCrescenzo, Human Resources Department Deputy Director  
Abby Jarl-Veltz, Labor Relations Manager  
Colin Brazile, Human Resources Officer  
Darrin Schwabe, Human Resources Officer  
Erik Hanson, Human Resources Officer  
Victoria Davidson, Human Resources Officer  
David Garcia, Human Resources Officer  
Matthew Vespi, Interim Risk Management Director  
Estella Montoya, Risk Management Deputy Director  
Nancy Stadille, Employee Benefits Manager, Risk Management  
Elena Perez, Financial Operations Manager, Office of the City Comptroller  
Julio Canizal, Deputy Director, Financial Management

Quennelle Allen, Senior Budget Development Analyst, Financial Management  
Javier Mainar, Fire Chief, Fire-Rescue Department  
Kenneth Barnes, Assistant Fire Chief, Fire-Rescue Department  
Brian Fennessy, Assistant Fire Chief, Fire-Rescue Department  
Rick Wurts, Lifeguard Chief, Fire-Rescue Department  
Shelley Zimmerman, Police Chief, Police Department  
Sarah Creighton, Assistant Police Chief  
Tanya Tomlinson, Deputy Director, City Attorney's Office, solely for negotiations with the Deputy City Attorneys Association.

Declaring that, in accordance with California Government Code Section 54954.5(f), the Council consents to the participation of an agent or designee for a specified designated representative if circumstances necessitate the absence of the specified designated representative; however, the name of the agent or designee must be announced at an open session meeting of the Council held prior to the Closed Session; and

Authorizing the following Management Team representatives to execute tentative agreements and Memoranda Of Understanding reached in meet and confer, and to present all tentative agreements and Memoranda Of Understanding reached in meet and confer to the Council for final determination and approval by the Council as to policy and the City Attorney as to form or correctness:

Timothy Davis, Burke, Williams, & Sorensen LLP, Labor Negotiation Consultant  
Scott Chadwick, Chief Operating Officer  
Mary Lewis, Chief Financial Officer  
Stacey LoMedico, Assistant Chief Operating Officer  
Ron Villa, Deputy Chief Operating Officer  
Judy von Kalinowski, Human Resources Director  
Karen DeCrescenzo, Human Resources Department Deputy Director  
Abby Jarl-Veltz, Labor Relations Manager

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

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

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

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

**STAFF SUPPORTING INFORMATION:**

FISCAL CONSIDERATIONS: N/A

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

Resolution R-309568, Date of Final Passage March 27, 2015.

von Kalinowski/Villa

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

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

City Attorney Contact: Dawson, Joan F.

\* ITEM-121: Excusing Councilmember David Alvarez from attending the regularly scheduled Council meetings on June 30, 2015, due to a family medical matter.

**COUNCILMEMBER ALVAREZ'S RECOMMENDATION:**

Adopt the following resolution:

(R-2016-74)

Excusing Councilmember David Alvarez from attending the regularly scheduled City Council meetings of June 30, 2015, due to a family medical matter.

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

- \* ITEM-122: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2015-715)

Declaring a continued state of emergency to persist relative to the escalated discharge of raw sewage from Tijuana, Mexico, pursuant to California Government Code Section 8630;

Authorizing the Mayor, or his designee, to execute all necessary contracts for the diversion, treatment, and disposal of international raw sewage;

Declaring that the measures previously taken in accordance with Resolution Number R-282544 shall continue to have full force and effect.

- \* ITEM-123: Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City.

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2015-409 Cor. Copy)

Declaring a continued state of emergency due to severe shortage of affordable housing in the City of San Diego, pursuant to California Government Code Section 8630;

Declaring that the measures previously taken by the City Council in Resolution Number R-296982 shall continue to have full force and effect.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

RESOLUTIONS:

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

ITEM-330: Fire Station 38 Dormitory Addition and Skyline Hills Fire Station Fund Transfer.  
(Mira Mesa and Greater Skyline Hills Community Areas. Districts 2, 4, and 6.)

**ITEM DESCRIPTION:**

This Action is to provide additional funding in the amount of \$225,000, to the Capital Improvement Project for upgrading Fire Station 38 in the Mira Mesa Community and the construction of the Skyline Hills Temporary Fire Station in the Greater Skyline Hills Community.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2016-86)

Authorizing the Chief Financial Officer to transfer appropriations of \$180,000 from CIP S-00787, Fire Station 22 Point Loma, to CIP S-10006, Fire Station 38 - Mira Mesa Remodel within Fund 400853, LSE REV RFD 2013A-CP;

Authorizing the Chief Financial Officer to transfer appropriations of \$20,000 from CIP S-00787, Fire Station 22 - Point Loma, to CIP S-00687, Skyline Hills Fire Station Land Acquisition within Fund 400848, Def Maint 2012A-Proj;

Authorizing the Chief Financial Officer to transfer appropriations of \$25,000 from CIP S-00787, Fire Station 22 - Point Loma, to CIP S-00687, Skyline Hills Fire Station Land Acquisition within Fund 400853, LSE REV RFD 2013A-CP.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

The previous action amount is \$850,000 of which \$650,000 is for the Fire Station 38 Dormitory Addition and \$200,000 is for the Fire Station 38 Ambulance Garage Additive Alternate.

Funding for this action in the amount of \$180,000 is from S-00787, Fire Station 22-Point Loma, Fund 400853, LSE REV RFD 2013A-CP. This transfer is required to fully fund construction of Fire Station 38 dormitory addition.

The funding in the amount of \$20,000 is from S-00787, Fire Station 22-Point Loma, Fund 400848, Def Maint 2012A-Proj, to provide additional funding for construction of the Skyline Hills Fire Station.

The funding in the amount of \$25,000 is from S-00787, Fire Station 22-Point Loma, Fund 400853, LSE REV RFD 2013A-CP, to provide additional funding for construction of the Skyline Hills Fire Station.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

This item was heard at the Infrastructure committee meeting on July 22, 2015, and forwarded to the full Council.

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

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

Subsequent to the committee meeting, the amount of the transfer of funding requested for the CIP S-00687, Skyline Hills Fire Station Land Acquisition was revised from \$30,000 to \$45,000. The additional funding is needed because of recently identified construction changes due to unforeseen site conditions such as changes to the dry utility connections.

CIP S-10006, Fire Station 38-Mira Mesa Remodel Project has received \$200,000 by Resolution No. R-309287 dated November 13, 2014, of which \$45,000 from A-BC.00001, Fire Station Major Component Rehab/Replace Annual Allocation, Fund 400000, Capital Outlay-Sales and \$155,000 from S-00787, Fire Station 22, Fund 400848, DEF MAIN 2012A-PROJ.

CIP S-00687, Skyline Hills Fire Station Land Acquisition project has received \$1,518,176 by Resolution No. R-305480, approved December 17, 2009, receiving \$95k of Def Maint 2009A-Proj., Fund 400624; R-307420, approved May 6, 2012, receiving \$30k, of Def Maint 2009A-Proj., Fund 400624; R-308783, Mid Year Report, approved March 13, 2014, receiving \$420k, GFCIP Contributions, Fund 400265; R-309360, approved December 12, 2014, receiving \$110k of Def Maint 2012A-Proj, Fund 400848.

Gibson/Gomez

Primary Contact\Phone: Elif Cetin\619-533-4640, MS 908A  
Secondary Contact\Phone: Mark Nassar\619-533-6600, MS 908A  
City Attorney Contact: Peter, Linda L.

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

ITEM-331: Public Facilities Financing Authority of City of San Diego Senior Sewer Revenue Refunding Bonds, Series 2015 - Preliminary Official Statement Authorization.  
(Citywide.)

**ITEM DESCRIPTION:**

Authorize the form of and distribution of the Preliminary Official Statement for the Public Facilities Financing Authority of the City of San Diego Senior Sewer Revenue Refunding Bonds, Series 2015 (the "2015 Bonds") and authorize the execution, delivery and distribution of the Official Statement.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2016-34)

Authorizing the distribution of a Preliminary Official Statement for Senior Sewer Revenue Refunding Bonds, Series 2015; authorizing the execution, delivery and distribution of an Official Statement for the Bonds; and approving certain actions, all in connection with the issuance and sale by the Public Facilities Financing Authority of the City of San Diego of the Bonds.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

Based on current market conditions approximately \$262 million in outstanding 2009A, 2009B, and 2010A Bonds are expected to be advance refunded with the issuance of the 2015 Bonds resulting in net present value savings of 5.7% compared to existing debt service. This is expected to result in annual savings of approximately \$1.0 million in Fiscal Years 2016-2021, and annual savings of approximately \$2.9 million in Fiscal Years 2022-2025. The pricing and closing of the 2015 Bonds would be subject to market conditions; pursuant to the City's Debt Policy, the City will consider conducting an advance refunding if net present value savings of at least 4% can be achieved. The proposed refunding is expected to exceed this threshold. All debt service savings will be allocated to Fund 700000 or Fund 700001.

The fees payable to Bond and Disclosure Counsel and all costs of issuance for the refunding will be paid from bond proceeds only on the successful closing of the 2015 Bonds. There is no impact due to the costs of issuance on the General Fund or any other City fund.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

- On June 16, 2015, Ordinance No. O-20506 was approved by City Council, authorizing the issuance of the 2015 Bonds and the related financing documents - See Report to City Council No. 15-059.

- On January 28, 2015, Debt Management presented three proposed economic refunding items to the Budget and Government Efficiency Committee, of which one was the 2015 Bonds. The Budget and Government Efficiency Committee forwarded the 2015 Bonds to the City Council for approval.

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

VOTE: 4-0; Gloria-yea, Cole-yea, Sherman-yea, Alvarez-yea.

Kommi/Lewis

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

Secondary Contact\Phone: Lakshmi Kommi\619-236-6928

City Attorney Contact: Bartolotta, Bret A.

ADOPTION AGENDA, DISCUSSION, HEARINGS

NOTICED HEARINGS:

**This item will be taken in the morning session which is scheduled to begin at 10:00 a.m.**

ITEM-332: Amendment to the Otay Mesa Public Facilities Financing Plan for Fiscal Year 2014, and associated Facilities Benefit Assessments and Development Impact Fees. (Otay Mesa Community Plan Area. District 8.)

**ITEM DESCRIPTION:**

Requesting approval of an amendment to the Otay Mesa Public Facilities Financing Plan which sets Facilities Benefit Assessments (FBA) and Development Impact Fees (DIF) for the community and ensures continued funding for community infrastructure.

**STAFF'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2015-701)

Adoption of a Resolution ordering the designation of an area of benefit in Otay Mesa and the boundaries thereof and establishing the amount of the facilities benefit assessment against each parcel within the area of benefit;

Determining that the foregoing recitals are true and correct and incorporated fully herein by this reference;

Determining that the Financing Plan Amendment is incorporated by reference into this Resolution as support and justification for satisfaction of findings required pursuant to the Mitigation Fee Act, as set forth in California Government Code Section 66000 et seq., for imposition of the facilities benefit assessment fees;

Ordering the designation of the area of benefit as identified in the Financing Plan Amendment;

Ordering the establishment of the facilities benefit assessment against each parcel within the area of benefit as identified in the Financing Plan Amendment and is effective sixty days from the date of final passage of this Resolution;

Authorizing and directing the Mayor, or his designee, to prepare a map of the boundaries of the area of benefit based on this Resolution and to file the map with the City Clerk in accordance with the provisions of San Diego Municipal Code Section 61.2209(a);

Authorizing and directing the City Clerk to record the map of the boundaries of the area of benefit in the Office of the County Recorder of the County of San Diego in accordance with the provisions of San Diego Municipal Code Section 61.2209(a);

Authorizing and directing the City Clerk to execute and record a Notice of Assessment in the Office of the County Recorder of the County of San Diego in accordance with the provisions of San Diego Municipal Code Section 61.2209(b);

Authorizing and directing the Chief Financial Officer to transfer, appropriate and expend the subject facilities benefit assessment funds as necessary to ensure timely payment of all Otay Mesa public facilities projects identified in the Financing Plan Amendment.

Subitem-B: (R-2015-702)

Adoption of a Resolution approving the Development Impact Fee (DIF) schedule for properties within Otay Mesa;

Determining that the fee schedule contained in the Financing Plan Amendment is the appropriate and applicable DIF schedule for all development within the Otay Mesa area that has either never been assessed under the Financing Plan or has not otherwise agreed to the payment of Facilities Benefit Assessment fees as prescribed by the City Council;

Declaring that effective sixty days from the date of final passage of this Resolution, that all DIFs due under the Financing Plan, shall be those fees in effect at the time building permits are issued;

Determining that the DIFs due shall not increase in accordance with San Diego Municipal Code Section 142.0640(b), but shall automatically increase annually in accordance with the Financing Plan, until a new DIF is adopted;

Determining that the Financing Plan is incorporated by reference into this Resolution as support and justification for satisfaction of findings required pursuant to the Mitigation Fee Act, as set forth in California Government Code Section 66000 et seq., for imposition of development impact fees.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

Approval of the amended financing plan and increase to the residential FBA/DIF rates will continue to provide a funding source for the public facilities identified in the Otay Mesa Public Facilities Financing Plan.

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

On June 3, 2014, the Infrastructure Committee voted to forward the Amendment to the Otay Mesa Public Facilities Financing Plan and Facilities Benefit Assessment for FY 2014 to the City Council.

Tomlinson/Graham/fj

Primary Contact\Phone: Frank January\619-533-3699, MS 606F  
Secondary Contact\Phone: Scott Mercer\619-533-3676, MS 606F  
City Attorney Contact: Vonblum, Heidi

**This item will be taken in the morning session which is scheduled to begin at 10:00 a.m.**

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

**ITEM DESCRIPTION:**

Authorize the adoption of a Resolution of Necessity for the easement acquisitions of portions of property located on Assessor Parcel Numbers (APNs) 438-021-13, 438-021-14 and 438-021-20, and acquire Temporary Construction Easements (TCEs) over the same APNs, found necessary for the City's Friars Road/SR-163 Interchange Project (Project).

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2016-60)

Adoption of a Resolution determining that the public interest and necessity require acquisition of the property interests as set forth in Exhibit 1 consisting of a Public Street Easement, a Slope Maintenance Easement, a Retaining Wall Maintenance Easement and Temporary Construction Easements over portions of real property located on Assessor Parcel Numbers (APNs) 438-021-13, 438 021-14 and 438-021-20, (more specifically described in Exhibit 1 attached hereto) are necessary to complete the Project;

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

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

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

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

Authorizing the Chief Financial Officer to expend funds in the amount of \$765,000 from CIP S-00851, Friars Road/SR-163 Interchange Improvement Project, Fund 400135 (Mission Valley Community Fund), to acquire the property interests found necessary for the Project, and for deposit into the State Treasury's State Condemnation Fund, as necessary, to obtain possession of the Acquisition Area. This is the probable amount of compensation to be paid by the City for the necessary real property interests to be acquired.

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

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

The probable amount of compensation to be paid to the property owner is \$765,000 for the acquisition of Easement Interests in portions of APN's 438-021-13, 438-021-14 and 438-021-20. The funds are available within the existing CIP Budget, specifically WBS S-00851, and will be sourced from Fund 400135 (Mission Valley Urban Community Fund). Allocated funding shall be used for the purposes of easement acquisitions and related expenses, and the leasing of temporary construction areas.

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

Council Resolution No. RR-298491 on October 14, 2003, authorized a Cooperative Agreement between the State of California and the City for the Friars Road/SR-163 Interchange Project.

Thompson/Villa/bs

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

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

City Attorney Contact: Goodman, Jenny

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

ITEM-334: Nahavandian Public Right-of-Way Vacation, Project No. 393209. (Downtown Community Plan Area. District 3.)

**ITEM DESCRIPTION:**

The vacation of a 0.05-acre alley located on 16th Avenue between Logan Avenue and National Avenue within the Downtown Community Planning Area.

**STAFF'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem A: (R-2016-68)

Adoption of a Resolution vacating an unimproved alley located on 16th Street between Logan Avenue and National Avenue, Right-Of-Way Vacation No. 1383347;

Vacating Right-of-Way Vacation No. 1383347, as more particularly described in the legal description marked as Exhibit "A" and shown on Drawing No. 38429-B, marked as Exhibit "B," subject to conditions which are made a part of this Resolution and which are by this reference incorporated herein and made a part hereof;

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

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

Subitem B: (R-2016-69)

Adoption of a Resolution adopting findings with respect to Coastal Development Permit No. 1383345, which are supported by the minutes, maps and exhibits, all of which are incorporated herein by this reference;

Granting Coastal Development Permit No. 1383345 to Houshang and Shahla Nahavadian, Owner/Permittee, under the terms and conditions set forth in the attached permit which is made a part of this Resolution;

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

**STAFF SUPPORTING INFORMATION:** (Rev. 7/31/15)

**FISCAL CONSIDERATIONS:**

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

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

Vacchi/Graham/rm

Primary Contact\Phone: Renee Mezo\619-446-5201, MS 501

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

City Attorney Contact: Lintvedt, Inga

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

ITEM-335: Carmel Mountain-Del Mar Mesa Natural Resource Management Plan. (Carmel Valley Neighborhood 8A, Del Mar Mesa, Pacific Highlands Ranch, Torrey Highlands, and Rancho Peñasquitos Community Plan Areas. Districts 1, 5, and 6.)

**ITEM DESCRIPTION:**

The proposed Project would adopt the Carmel Mountain/Del Mar Mesa Open Space Park Natural Resource Management Plan (NRMP) to provide guidance for management of environmentally sensitive resources in accordance with the Multiple Species Conservation Program (R-288455). The NRMP includes a trail plan that will open 7.9 miles of trails while restoring 13.29 miles of illegally created paths.

**STAFF'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem A: (R-2016-53)

Adoption of a Resolution certifying that the Declaration has been completed in compliance with the California Environmental Quality Act of 1970 (CEQA) (Public Resources Code Section 21000 et seq.), as amended, and the State CEQA Guidelines thereto (California Code of Regulations, Title 14, Chapter 3, Section 15000 et seq.), that the Declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said Declaration, together with any comments received during the public review process, has been reviewed and considered by the City Council in connection with the approval of the Project;

Adopting the Declaration and certifying that the City Council finds on the basis of the entire record that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study, that there is no substantial evidence that the Project will have a significant effect on the environment;

Pursuant to CEQA Section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the Project as required by this City Council in order to mitigate or avoid significant effects on the environment, which is attached hereto as Exhibit A;

Declaring that the Declaration and other documents constituting the record of proceedings upon which the approval is based are available to the public at the Office of the City Clerk, 202 C Street, San Diego, CA 92101;

Directing the City Clerk to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors for the County of San Diego regarding the Project.

Subitem B: (R-2016-50)

Adoption of a Resolution approving the Carmel Mountain/Del Mar Mesa Preserves Natural Resource Management Plan, a copy of which is on file in the Office of the City Clerk.

Subitem C: (R-2016-51)

Adoption of a Resolution approving the amendments to the Carmel Valley Neighborhood 8A Specific/Precise Plan, a copy of which is on file in the Office of the City Clerk;

Approving the amendments to the Rancho Peñasquitos Community Plan, a copy of which is on file in the Office of the City Clerk;

Approving the amendments to the Torrey Highlands Subarea Plan, a copy of which is on file in the Office of the City Clerk.

Subitem-D: (R-2016-52)

Adoption of a Resolution approving the amendments to the North City Local Coastal Program (LCP) for the Del Mar Mesa Specific Plan, a copy of which is on file in the Office of the City Clerk;

Approving the amendments to the North City Local Coastal Program for the Pacific Highlands Ranch Subarea Plan, a copy of which is on file in the Office of the City Clerk;

Declaring that this Resolution shall not take effect until the date the California Coastal Commission unconditionally certifies these provisions as a local coastal program amendment, or until the thirtieth day from and after its final passage, whichever occurs later.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

The Department will seek funding for specific NRMP elements as the need arises. Portions of the NRMP may be implemented by park staff and volunteers using existing operating budget.

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

Minor revisions were made to this item at the recommendation of the City Attorney following the Planning Commission hearing:

- 1) A minor grammatical error was fixed on Page 103 of the Rancho Peñasquitos Community Plan.
- 2) A minor change was made to Section 9.1 of the Carmel Mountain/Del Mar Mesa Natural Resource Management Plan to improve clarity regarding the San Diego Municipal Code.
- 3) Revisions to Section 9.3 of the Carmel Mountain/Del Mar Mesa Natural Resource Management Plan and Section 11.b of the Del Mar Mesa Specific Plan to clarify the procedures for implementation of the trail plan.
- 4) A minor update to reflect current land ownership in Attachment 2 to the Report to Planning Commission and Figure 2-2 in the Carmel Mountain/Del Mar Mesa Natural Resource Management Plan.

The project, with these revisions, was heard by the Committee on the Environment on July 15, 2015, and was forwarded to the full Council with a recommendation to adopt the resolutions.

Field/Graham/cz

Primary Contact\Phone: Chris Zirkle\619-685-1323, MS 5D

Secondary Contact\Phone: Betsy Miller\619-685-1314, MS 5D

City Attorney Contact: Thomas, Shannon

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

ITEM-336: University Terrace East, Project No. 334934. (University Community Plan Area. District 1.)

**ITEM DESCRIPTION:**

The University Terrace East project proposes construction of eighteen residential apartment units in a two-story building over one level of parking on the 3.76 acre site within the University Community Plan area. The Project requires three actions for approval; a Public Right-of-way Vacation, an Easement Vacation and a Planned Development Permit. No deviations or variance is required to approve the project.

**STAFF'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem A: (R-2016-40)

Adoption of a Resolution vacating Right-of-Way Vacation No. 1293418, in connection with Planned Development Permit No. 1175450, as more particularly described in the legal description marked as Exhibit "A" and shown on Drawing No. 38049-B, marked as Exhibit "B," which are by this reference incorporated herein and made a part hereof, subject to the following conditions which are made a part of this resolution: the owner shall relocate the existing franchise utility facilities to the satisfaction of Time Warner Cable and the City Engineer. In the event this condition is not completed within three years following the adoption of this Resolution, then this Resolution shall become void and be of no further force or effect;

Declaring that the City of San Diego reserves and excepts from Right-of-Way Vacation No. 1293418 a permanent easement for public utility and telecommunications purposes, as more particularly described hereinafter as a general utility easement for public utilities and telecommunications and access for said utilities;

Declaring that the easements reserved herein are in, under, over, upon, along, and across Genesee Cove, vacated by this Resolution and as more particularly described in the legal description marked as Exhibit "A" and shown on Drawing No. 38049-B, marked as Exhibit "B;"

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

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

Subitem B: (R-2016-39)

Adoption of a Resolution vacating the sewer and water easement located within property located at 5210-5245 Genesee Cove in connection with Planned Development Permit No. 1175450, as more particularly described in the legal description marked as Exhibit "A," and shown on Drawing No. 38048-B, marked as Exhibit "B," which are by this reference incorporated herein and made a part hereof;

Declaring that this easement vacation is conditioned upon the relocation of certain sewer and water lines in connection with Planned Development Permit No. 1175450 to the satisfaction of the Director of Public Utilities and the City Engineer. In the event this condition is not completed within three years following the adoption of this Resolution, then this Resolution shall become void and be of no further force or effect;

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

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

Subitem C: (R-2016-41)

Adoption of a Resolution granting Planned Development Permit No. 1175450, amending Planned Residential Development Permit No. 84-0314, for the University Terrace East Project, Project No. 334934;

Declaring that based on the written findings hereinbefore adopted by the City Council, Planned Development Permit No. 1175450, is granted to the Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 1175450, a copy of which is attached hereto and made a part hereof.

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

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

None with this action. All costs associated with the processing of this project are paid from a deposit account funded by the applicant.

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

On January 14, 1985, the City Council approved Planned Residential Development Permit No. 84-0314 to allow the development of 135 dwelling units located on two sites east and west of Genesee Avenue. Presently there are seventy-five apartments on the site at 5210 Genesee Cove.

Vacchi/LoMedico/JSF

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Secondary Contact\Phone: Mike Westlake\619-446-5220, MS 501  
City Attorney Contact: Lintvedt, Inga

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT