

CITY OF SAN DIEGO COUNCIL DOCKET



COUNCIL PRESIDENT

Sherrí Lightner • First District

COUNCIL PRESIDENT PRO TEM

Marti Emerald • Ninth District

COUNCILMEMBERS

Lorie Zapf • Second District
Todd Gloria • Third District
Myrtle Cole • Fourth District
Mark Kersey • Fifth District
Chris Cate • Sixth District
Scott Sherman • Seventh District
David Alvarez • Eighth District

Andrea Tevlin
Independent
Budget Analyst

Jan Goldsmith
City Attorney

Liz Maland
City Clerk

Council Chambers, 12th Floor, City Administration Building

Tuesday, September 22, 2015

**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
TUESDAY, SEPTEMBER 22, 2015, AT 10:00 AM
CITY ADMINISTRATION BUILDING
COUNCIL CHAMBERS – 12TH FLOOR
202 “C” STREET
SAN DIEGO, CA 92101**

This information will be made available in alternative formats upon request, as required by the Americans with Disabilities Act (ADA), by contacting the City Clerk at (619) 533-4000 or <mailto:cityclerk@sandiego.gov>. Requests for disability-related modifications or accommodations required to facilitate meeting participation, including requests for auxiliary aids, services or interpreters, require different lead times. 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/>

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:

08/03/2015
08/04/2015
08/10/2015 - Adjourned
08/11/2015 - Adjourned

PROCLAMATIONS/CEREMONIAL ITEMS

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

ITEM-30: San Diego Manufacturing Day.

PRESENTED BY COUNCIL PRESIDENT LIGHTER AND COUNCILMEMBER COLE:

Proclaiming October 2, 2015, to be "San Diego Manufacturing Day" in the City of San Diego.

ITEM-31: San Diego Music Awards Day.

PRESENTED BY COUNCILMEMBER GLORIA AND COUNCIL PRESIDENT PRO TEM EMERALD:

Proclaiming September 22, 2015, to be "San Diego Music Awards Day" in the City of San Diego.

ITEM-32: National Preparedness Month.

PRESENTED BY COUNCILMEMBER CATE AND COUNCIL PRESIDENT PRO TEM EMERALD:

Proclaiming September 2015, to be "National Preparedness Month" 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
RESOLUTIONS:**

* ITEM-100: Community Paramedicine Data Project - Grant Funding (FY 2016). (Citywide.)

ITEM DESCRIPTION:

This action is to accept a \$16,600 Grant Stipend from the California HealthCare Foundation for data collection pertaining to the City's Community Paramedicine Program. The full amount will be used to pay a vendor, World Advancement of Technology for Emergency Medical Services (EMS) and Rescue (WATER), for customization of the electronic patient care records system currently in use in the City's 911/EMS system. The customization will create new data fields, an alert for City of San Diego Community Paramedics working to case-manage frequent users of 911/EMS, and reports about Community Paramedic interventions and results.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2016-116)

Authorizing the Mayor, or his designee, to accept and take all necessary actions to secure a \$16,600 Grant Stipend from the California HealthCare Foundation for data collection pertaining to the City's participation in the Community Paramedicine Program;

Authorizing the Chief Financial Officer to appropriate, and expend an amount not to exceed \$16,600 from Fund 600002, Grant 1000442-2015, contingent upon receiving a fully executed Grant Agreement;

Authorizing the Chief Operating Officer to set up a special interest-bearing account for these Grant Funds, if required.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

There is no fiscal impact to the General Fund. All expenses will incur in Fund 600002, Grant 1000442-2015.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: N/A

Mainar/Chadwick

Primary Contact\Phone: Alyssa Ross\619-533-4308, MS 603

Secondary Contact\Phone: Roger Fisher\619-533-4344

City Attorney Contact: Brazier, Noah, J.

* ITEM-101: National Endowment for the Arts (NEA) Our Town Grant. (Encanto Community Area. District 4.)

ITEM DESCRIPTION:

This action requests authorization to apply for, accept, appropriate and expend a \$75,000 Grant from the National Endowment for the Arts (NEA). The Grant will be used to create artwork along a pedestrian trail within a larger Chollas Creek restoration project, and as part of an even larger plan to develop approximately 60 acres of land that Jacobs Center for Neighborhood Innovation owns in the Encanto area and Chollas Creek watershed. The two noted projects are currently being reviewed in accordance with California Environmental Quality Act (CEQA), by both the Planning and Development Services Departments.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2016-118)

Authorizing the Mayor, or his designee, to apply for, accept, and take all necessary actions to secure from the National Endowment for the Arts (NEA's) "Our Town" Program, a grant in an amount not to exceed \$75,000 in partnership with Jacob Center for Neighborhood Innovation (JCNI) for the purpose of creating artwork along a pedestrian trail within JCNI's Chollas Creek Restoration Project;

Authorizing the Chief Financial Officer (CFO) to establish a fund for the deposit of the grant money if such a grant is awarded;

Authorizing the CFO to accept, appropriate, and expend the NEA "Our Town" Grant during the grant's activity period, as well as execute any and all Agreements necessary to fulfill the purposes thereof.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The \$75,000 National Endowment for the Arts (NEA) Grant for artwork along a pedestrian trail will be contingent upon the availability of FY16 funds in the Federal Budget. Matching funds for this Grant will be provided by Jacobs Center for Neighborhood Innovation (JCNI).

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

No previous Council or Committee action.

Springs/Graham

Primary Contact\Phone: Christine Jones\619-236-6661, MS 652

Secondary Contact\Phone: Dana Springs\619-236-6800, MS 652

City Attorney Contact: Berry, Jennifer L.

* ITEM-102: Excusing Councilmember Kersey from attending the regularly scheduled Council meetings on August 4, 2015, due to illness.

COUNCILMEMBER KERSEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2016-108)

Excusing Councilmember Kersey from attending the regularly scheduled City Council meeting of August 4, 2015, due to illness.

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

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

RESOLUTIONS:

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

ITEM-330: Proposed Response to Grand Jury Report: “The Ongoing Need For Downtown Public Restrooms”. (Citywide.)

ITEM DESCRIPTION:

1. Approve and adopt the proposed response to the 2014/2015 San Diego County Grand Jury Report entitled “The Ongoing Need For Downtown Public Restrooms” (which was filed May 27, 2015) as prepared by the Independent Budget Analyst (IBA).
2. Authorize and direct the City Council President, on behalf of the City Council, to execute and deliver the response to the Presiding Judge of the Superior Court by October 23, 2015.

INDEPENDENT BUDGET ANALYST'S RECOMMENDATION:

Adopt the following resolution:

(R-2016-92)

Approving and adopting the City Council's response to the 2014-2015 San Diego County Grand Jury Report titled “The Ongoing Need for Downtown Public Restrooms,” as set forth in IBA Report No. 15-31, dated July 22, 2015;

Authorizing and directing the Council President, on behalf of the San Diego City Council, to execute and deliver the above-described response to the Presiding Judge of the San Diego County Superior Court no later than October 23, 2015.

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

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS: N/A

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

This item was heard at the Public Safety and Livable Neighborhoods Committee meeting on July 29, 2015.

ACTION: Motion by Councilmember Gloria, second by Councilmember Cate, to recommend approval of staff's recommendation to the proposed response to the Grand Jury Report "The Ongoing Need For Downtown Public Restrooms".

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

Kawar

Primary Contact\Phone: Sarah Miller\619-236-6457

Secondary Contact\Phone: Lisa Byrne\619-236-5917

City Attorney Contact: Spivak, Sharon B.

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

ITEM-331: Confirming the appointment of Assistant Chief Brian Fennessy as Fire Chief for the City of San Diego, effective November 12, 2015.

ITEM DESCRIPTION:

This action is for Council confirmation of the appointment of Assistant Chief Brian Fennessy, as Fire Chief for the City of San Diego.

MAYOR FAULCONER'S RECOMMENDATION: (Rev. 9/16/15)

Adopt the following resolution:

(R-2016-121)

Confirming the appointment of Brian Fennessy to be Chief of the San Diego Fire-Rescue Department of the City of San Diego, effective November 12, 2015, at 5:01 p.m.

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS: N/A

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: N/A

Chadwick

Primary Contact\Phone: Scott Chadwick\619-236-6207

City Attorney Contact: Halsey, Gregory J.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

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

ITEM-332: San Diego Affordable Housing Fund Fiscal Year 2015 Annual Report. (Citywide.)

ITEM DESCRIPTION:

The San Diego Affordable Housing Fund Fiscal Year (FY) 2015 Annual Report (Attachment 1) covers the period of July 1, 2014, through June 30, 2015, which reflects the fiscal year of the City of San Diego and the San Diego Housing Commission.

SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:

Informational item only. No action required.

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

N/A. Informational item only. Please see staff report for further information.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: N/A

Davis/Graham

Primary Contact\Phone: Ann Kern\619-578-7582

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

ITEM-333: Citywide Sidewalk Assessment Report. (Citywide.)

ITEM DESCRIPTION:

The City Council allocated funding in Fiscal Years 2014 and 2015 to conduct an assessment and inventory of sidewalks. This item presents the sidewalk assessment findings.

STAFF'S RECOMMENDATION:

Accept the report.

STAFF SUPPORTING INFORMATION

FISCAL CONSIDERATIONS: N/A

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

June 10, 2013, City Council approved Resolution No. R-308247 allocating \$1,000,000 for a Citywide sidewalk assessment.

July 31, 2013, a project overview was presented to the Infrastructure Committee.

September 17, 2014, a project update was presented to the Infrastructure Committee.

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

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

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

McFadden/LoMedico

Primary Contact\Phone: Kristy Reeser\619-527-7504, MS 44

Secondary Contact\Phone: Walter Gefrom\619-527-7509, MS 44

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

ITEM-334: Discussion regarding the City of San Diego Sidewalk Policy and Municipal Approaches to Sidewalk Liability and Repair. (Citywide.)

INDEPENDENT BUDGET ANALYST'S RECOMMENDATION:

Receive the report.

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS: N/A

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

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

ACTION: Motion by Councilmember Zapf, second by Vice-Chair Cole, to accept and forward the report to City Council with direction to the City Attorney's Office to provide additional information regarding a memo detailing San Diego Sidewalk Policy at City Council.

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

Kawar

Primary Contact\Phone: Sarah Miller\619-236-6457, MS 10A

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

RESOLUTIONS:

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

ITEM-335: Fairbanks Terrace Preliminary Bond Items. (District 5.)

ITEM DESCRIPTION:

Take the initial steps to issue Housing Authority of the City of San Diego multifamily housing revenue bonds/note to fund land acquisition and the development of Fairbanks Terrace, an 83-unit senior affordable housing rental development, located in Black Mountain Ranch.

SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:

Adopt the following resolution:

(R-2016-126)

Approving the issuance of the Bonds by the Housing Authority of the City of San Diego (Authority), pursuant to Section 147(f) of the Internal Revenue Code of 1986 (Code);

Declaring that the City does not warrant the creditworthiness of the Bonds or guarantee, in any way, the payment of the Bonds. No moneys of the City will be pledged or applied to the repayment of the Bonds;

Declaring that the proposed Project is covered under the Subarea Plan EIR (No. 96-7902) and Black Mountain Ranch North Village Addendum No. 142244 to EIR No. 96-7902, which was approved by City Council on May 19, 2009. The prior environmental documents adequately address the proposed development activity and, pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15162, there has been no change in circumstance, additional information, or changes to the Project warranting additional environmental review. Processing under the National Environmental Policy Act is not required as there are no Federal funds involved with this action.

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The proposed funding sources and uses approved by this action are included in the Housing Authority-approved Fiscal Year (FY) 2016 Housing Commission Budget. Approving this action will not change the FY 2016 total budget.

Funding sources approved by this action will be as follows:

Bond Issuance Fees - \$44,250

Funding uses approved by this action will be as follows:

Rental Housing Finance Program Administration Costs - \$44,250

Please refer staff report for further information.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

This item is scheduled to be heard at the September 11, 2015, San Diego Housing Commission meeting.

Davis/Graham

Primary Contact\Phone: Ann Kern\619-578-7582

City Attorney Contact: Bartolotta, Bret A.

NOTE: See the Housing Authority Agenda of September 22, 2015, for a companion item.

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

ITEM-336: Agreement with Accela, Inc., for Purchase of Replacement Project Tracking System (PTS). (Citywide.)

ITEM DESCRIPTION:

This action would authorize contract approval for the Development Services Department (DSD) to purchase a new software system from Accela, Inc., to replace its existing Project Tracking System (PTS). The contract value is \$7,043,291.28 for the first year, followed by four annual payments of \$966,920.60. The Agreement will cover a five-year period with a total contract amount of \$10,910,973.68. DSD received approval of a Sole Source Procurement Certification from the City's Purchasing and Contracting Department for the Accela software.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2016-125)

Authorizing the Mayor, or his designee, to execute the Agreement with Accela, Inc., including the Software License Agreement (Exhibit 2);

Authorizing the Chief Financial Officer to expend amounts not to exceed \$7,043,291.28 in the first year of the contract term, and \$966,920.60 in each subsequent year of the contract term, for a total expenditure not to exceed \$10,910,973.68, contingent upon the City Council approval of the given year Appropriation Ordinance and the City Comptroller furnishing one or more certificates demonstrating that funds necessary for the expenditure are, or will be, on deposit with the City Treasurer.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The total Accela, Inc., contract cost would be \$10,910,974, of which \$7,043,292 is due in Fiscal Year 2016. The FY16 funding sources are \$3,000,000 from the Civil Penalties Fund, \$1,351,816 from the Development Services Department (DSD) Enterprise Fund, and the remaining \$2,691,476 would be financed through the Equipment and Vehicle Financing Program (EVFP) to be repaid over 5 years. The FY 2016 lease payment has been included in the FY16 adopted budget; lease payments due in future fiscal years will be included in the corresponding budgets and Council approval will be obtained through the annual budget process.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

On June 2, 2015, O-20494, Report No. 15-041, Council authorized up to \$6.44 Million of EVFP financing for the Project Tracking System (PTS)

Vacchi/Graham

Primary Contact\Phone: Jim Myers\619-446-5007, MS 401

Secondary Contact\Phone: Paul Godwin\619-446-5190, MS 501

City Attorney Contact: Thomas, Shannon M.

ADOPTION AGENDA, DISCUSSION, HEARINGS

NOTICED HEARINGS:

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

ITEM-337: Fiscal Year 2015 Consolidated Annual Performance and Evaluation Report.
(Citywide.)

ITEM DESCRIPTION:

The United States Department of Housing and Urban Development (HUD) requires local jurisdictions to prepare a Consolidated Annual Performance and Evaluation Report (CAPER) in order to receive federal housing and community development funding for all HUD entitlement grants. HUD Programs Administration (HPA) has prepared the annual CAPER (Attachment A), which summarizes the projects and programs that the City has implemented with Community Development Block Grant (CDBG), Home Investment Partnerships Program (HOME), Emergency Solutions Grant (ESG), and Housing Opportunities for Persons with AIDS (HOPWA) funds for the period of July 1, 2014, through June 30, 2015.

STAFF'S RECOMMENDATION:

This is an informational item - no Council action required.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS: None.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

On April 28, 2014, the City Council approved the FY 2015-2019 Consolidated Plan and FY 2015 Annual Action Plan.

Caldwell\Graham

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

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

City Attorney Contact: Reid, Michael T.

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT