

CITY OF SAN DIEGO COUNCIL DOCKET



COUNCIL PRESIDENT

Sherrri Lightner • First District

COUNCIL PRESIDENT PRO TEM

Marti Emerald • Ninth District

COUNCILMEMBERS

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

Andrea Tevlin
Independent
Budget Analyst

Jan Goldsmith
City Attorney

Liz Maland
City Clerk

Council Chambers, 12th Floor, City Administration Building

Tuesday, October 20, 2015

**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
TUESDAY, OCTOBER 20, 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:

08/31/2015 - Adjourned
09/01/2015 - Adjourned
09/07/2015 - Adjourned
09/08/2015 - Adjourned

PROCLAMATIONS/CEREMONIAL ITEMS

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

ITEM-30: The National Management Association City of San Diego Chapter Awards Presentation.

PRESENTED BY COUNCIL PRESIDENT LIGHTNER:

Ceremonial Item - The National Management Association (NMA), City of San Diego Chapter will be honoring ten nominees in various departments of the City for outstanding customer service. The recipients have been nominated by their supervisor or fellow employees.

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

ITEM-31: Michael D. Ogilvie Day.

PRESENTED BY COUNCILMEMBER SHERMAN:

Proclaiming April 20, 2015, to be "Michael D. Ogilvie Day" in the City of San Diego.

ITEM-32: MANA de San Diego 2015 Brindis Gala Day.

PRESENTED BY COUNCILMEMBER ALVAREZ:

Proclaiming October 20, 2015, to be "MANA de San Diego 2015 Brindis Gala Day" in the City of San Diego.

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

ITEM-33: 376th Heavy Bombardment Group Day.

MAYOR FAULCONER'S AND COUNCILMEMBER GLORIA'S RECOMMENDATION:

Proclaiming October 1, 2015, to be "376th Heavy Bombardment Group Day" in the City of San Diego.

ITEM-34: Jerry Cesak Day.

MAYOR FAULCONER'S AND COUNCILMEMBER CATE'S RECOMMENDATION:

Proclaiming October 14, 2015, to be "Jerry Cesak Day" in the City of San Diego.

ITEM-35: United Way San Diego Day - 95th Anniversary.

MAYOR FAULCONER AND COUNCILMEMBER CATE'S RECOMMENDATION:

Proclaiming September 17, 2015, to be "United Way San Diego Day - 95th Anniversary" in the City of San Diego.

ITEM-36: San Diego Marine Layer 2015 Gay Softball World Series Master Division Champions.

COUNCILMEMBER GLORIA'S RECOMMENDATION:

Proclaiming September 26, 2015, to be "San Diego Marine Layer 2015 Gay Softball World Series Master Division Champions" in the City of San Diego.

ITEM-37: Xavier The X-Man® Day.

COUNCILMEMBER ALVAREZ'S RECOMMENDATION:

Proclaiming September 16, 2015, to be "Xavier The X-Man® 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 environmental documents 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 from 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: Request to Exempt two Program Manager positions from the Classified Service in Council Administration.

ITEM DESCRIPTION:

The first Program Manager position will be responsible for overseeing Information Technology (IT)-related functions of the City Council, Council Administration, and Office of the Independent Budget Analyst which includes administering IT policy, recommending critical procedural and functional IT changes, developing and implementing IT-related contracts and performing contract management; and developing and monitoring the IT budgets and inventory for the City Council, Council Administration, and Office of the Independent Budget Analyst. The second Program Manager position will be responsible for implementing current policy and procedures and municipal codes related to the City Council Committees and recommending revisions or developing new procedures as needed in coordination with the Chair of the appropriate committee.

COUNCIL PRESIDENT LIGHTNER'S RECOMMENDATION:

Introduce the following ordinance:

(O-2016-27)

Introduction of an Ordinance receiving and reviewing a memorandum from Personnel Director Hadi Dehghani, dated September 4, 2015, which documents that, on September 3, 2015, the City's Civil Service Commission reviewed and favorably commented on a proposal from the Council President to exempt two Program Manager positions from the Classified Service. The first Program Manager will be responsible for overseeing IT-related functions of the City Council, Council Administration, and Office of the Independent Budget Analyst. The second Program Manager will be responsible for reviewing current policies and procedures and San Diego Municipal Codes related to City Council Committees and recommending revisions or new procedures, as needed;

Declaring that pursuant to Charter Section 117(a)(17), with the Civil Service Commission's review and approval, the Council now exempts from the Classified Service and declares to be in the Unclassified Service of the City two Program Manager positions, performing the duties set forth in the September 4, 2015 memorandum from Personnel Director Hadi Dehghani to the Honorable Council President and Council, and in this ordinance.

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

No additional funds will be requested for Fiscal Year 2016.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: N/A

Jurado-Sainz

Primary Contact\Phone: Erin Demorest\619-236-6611, MS 10A

Secondary Contact\Phone: Lori Witzel\619-236-6442, MS 10A

City Attorney Contact: Dawson, Joan F.

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

- * ITEM-51: Second Amendment to the Agreement for As-Needed Construction Management Services with Harris & Associates (Contract No. H084402). (Citywide.)

ITEM DESCRIPTION:

This action is to authorize a Second Amendment to extend the services of Harris & Associates in providing professional construction management services on an as-needed basis at no additional cost. The Second Amendment will extend the contract duration by two (2) years for a total of seven (7) years.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 10/6/2015, Item 50. (Council voted 8-0. Council President Pro Tem Emerald-not present):

(O-2016-23)

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City, the Second Amendment to the Agreement with Harris & Associates, for as-needed professional construction management services in Capital Improvement Program (CIP) projects, contingent upon adoption of the Annual Appropriation Ordinance for the applicable fiscal year, and contingent upon the Chief Financial Officer furnishing one or more certificates demonstrating that funds necessary for expenditure are, or will be, on deposit with the City Treasury;

Authorizing the Mayor, or his designee, to extend the Agreement for an additional two (2) years not to exceed a total of seven (7) years;

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.

* ITEM-52: State Route 163 and Friars Road Interchange - Sixth Amendment to Agreement with Dokken Engineering. (Mission Valley Community Area. District 7.)

ITEM DESCRIPTION:

The Council actions will authorize the execution of the Sixth Amendment to Agreement with Dokken Engineering and expenditure of funds to provide for design services in the preparation of plans, specifications, and estimate for the construction of State Route 163 and Friars Road Interchange Project- Phase 1.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 10/6/2015, Item 51. (Council voted 8-0. Council President Pro Tem Emerald-not present):

(O-2016-12)

Authorizing the Mayor, or his designee, to execute a Sixth Amendment to the Agreement for design services with Dokken Engineering, Inc., for CIP S-00851, State Route 163/Friars Road, in an amount not to exceed \$668,319;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$668,319 from CIP S-00851, State Route 163/Friars Road, Fund 400169, TransNet for the purposes of executing this Sixth Amendment to the Agreement;

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.

- * ITEM-53: First Amendment to Agreement with Brown and Caldwell for Design of Tierrasanta Pump Station (Contract No. H115441). (Tierrasanta Community Area. District 7.)

ITEM DESCRIPTION:

Council authorization to execute the First Amendment to the Contract Agreement with Brown and Caldwell for design and construction support services for the replacement of the Tierrasanta (Via Dominique) Pump Station Design (H115441), located in the Tierrasanta Community at 4701 Seda Drive. This Amendment provides additional funds to the existing scope of work for additional design services related to security design components, weather monitoring equipment, revisions to the Building Code and Title 24 that were not part of the Original Contract Agreement. The additional funds will allow Brown and Caldwell to continue the design and construction support of the new Tierrasanta Pump Station.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 10/6/2015, Item 52. (Council voted 8-0. Council President Pro Tem Emerald-not present):

(O-2016-6)

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City, a First Amendment to the Agreement with Brown and Caldwell for the design and construction support services in CIP S-12040, Tierrasanta (Via Dominique) Pump Station, in an amount not to exceed \$146,436 with a maximum total contract duration extended from five years to seven years, contingent upon the adoption of the Appropriation Ordinance for the applicable fiscal year, under the terms and conditions set forth in the Agreement;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$146,436 from CIP S-12040, Tierrasanta (Via Dominique) Pump Station, Fund 700010, Utility CIP for the purpose of executing this First Amendment to the Agreement, contingent upon the City Chief Financial Officer first certifying funds are available providing funds for the above referenced Project;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$146,436 to the existing scope, as defined in the original contract, bringing the total contract amount to \$1,126,436, provided that the Chief Financial Officer first furnishes one or more certificates demonstrating that the funds necessary for expenditure are, or will be, on deposit with the City Treasury;

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

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

* ITEM-54: Ordinance amending the San Diego Municipal Code relating to misuse of disabled person placards and license plates, and resolution establishing civil penalty for violations.

ITEM DESCRIPTION:

This Action is to amend the San Diego Municipal Code (SDMC) by adding Sections 86.0150 and 86.0151, which allows for the enforcement of disabled person placard and license plate misuse. This Action also authorizes a penalty of \$740 for a violation of Section 86.0150.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 10/6/15, Item S500, Subitem A. (Council voted 8-0. Council President Pro Tem Emerald not present):

(O-2016-16 Cor. Copy)

Amending Chapter 8, Article 6, of the San Diego Municipal Code by adding new Sections 86.0152 and 86.0153, all relating to the misuse of disabled person placards and related enforcement.

* ITEM-55: Proposed Amendments to Election Campaign Control Ordinance.

ITEM DESCRIPTION:

Amend the City's campaign laws to: (1) require committees formed to support/oppose an initiative or referendum to file a Form 497 within 10 days after petition circulation begins, to disclose contributions of \$100 or more received since January 1 or closing date of most recent campaign statement; (2) require committees formed to support/oppose an initiative or referendum to file Forms 497 within 24 hours during the signature-gathering phase to disclose contributions of \$1,000 or more; and (3) require committees that make independent expenditures to support/oppose an initiative or referendum to file Forms 496 within 24 hours during the signature gathering phase to disclose expenditures and funding sources.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 10/6/15, Item 330. (Council voted 8-0. Council President Pro Tem Emerald not present):

(O-2016-21)

Amending Chapter 2, Article 7, Division 29, of the San Diego Municipal Code by amending Section 27.2930, relating to the City of San Diego Election Campaign Control Ordinance.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- * ITEM-100: Small Local Business Enterprise (SLBE) Program Potential Improvements to Council Policy 100-10 - Small and Local Business Preference for Goods, Services, and Consultants Contracts.

ITEM DESCRIPTION:

The Economic Development and Intergovernmental Relations Committee requested that the Purchasing & Contracting Department conduct an analysis on the effectiveness of Council Policy 100-10 for goods contracts and service contracts. This action provides recommended improvements to the policy to further the City's goal of stimulating economic development through the support and empowerment of the local community.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2016-161)

Adopting the revisions to Council Policy 100-10;

Instructing the City Clerk to update the Council Policy Manual to include amended Council Policy 100-10.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS: N/A

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

This item was heard at the Economic Development and Intergovernmental Relations Committee meeting on September 24, 2015.

ACTION: Motion by Council President Lightner, second by Councilmember Cate, to forward the item to full Council with a recommendation to approve.

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

Rules, Open Government and Intergovernmental Relations Committee meeting, April 10, 2012, informational item only.

Rules, Open Government and Intergovernmental Relations Committee meeting, October 28, 2009.

ACTION: Motion by Councilmember Young, second by Council President Pro Tem Faulconer, to move the staff recommendation with the suggested IBA recommendations:

1) include language in the draft proposal that requires the Small Local Business Enterprise (SLBE) goals to be reported to the City Council annually and if they change an explanation of why;

2) add examples to the draft proposal to clarify what is expected of the mentors; and

3) add language to include an audit and reporting requirement of the SLBE Program.

Direct the Administration Department to complete an availability study and send the necessary data to the Equal Opportunity Commission to create a running list of available small businesses and contractors.

VOTE: 5-0; Hueso-yea, Faulconer-yea, Frye-yea, Gloria-yea, Young-yea.

Rules, Open Government and Intergovernmental Relations Committee meeting, September 2, 2009, informational item only.

Peralta/Villa

Primary Contact\Phone: Claudia Abarca\619-236-6041

City Attorney Contact: Easton, Lara E.

* ITEM-101: Skyline Hills Branch Library Fund appropriation. (Greater Skyline Hills Community Area. District 4.)

ITEM DESCRIPTION:

This action is to appropriate funding into the Skyline Hills Branch Library Project for the costs of construction of audio video room and needed equipment. Funding is requested to be appropriated from the Public Education Government (PEG) fee provided by local cable operators for these improvements.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2016-46)

Authorizing the Chief Financial Officer to increase the Fiscal Year 2016 Capital Improvements Program Budget by \$180,000 in CIP S-00692, Skyline Hills Library Project;

Authorizing the Chief Financial Officer to appropriate an amount not to exceed \$180,000 from PEG Fee (City TV), Fund No. 200595 to CIP S-00692, Skyline Hills Library Project;

Authorizing the Chief Financial Officer to appropriate and expend an amount not to exceed \$180,000 from Fund No. 200595, PEG Fee (City TV), solely and exclusively, for the purpose of construction of an audio video room, equipment, cooling system, and associated staff charges for the Project, provided that the Chief Financial Officer first furnishes one or more certificates certifying that the funds necessary for expenditures are, or will be, on deposit with the City Treasury.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

Funding for this action in the amount of \$180,000 is available from the Public Education Government (PEG) Funding, Fund No. 200595. This appropriation is required to fully fund construction of Skyline Hills Branch Library.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

This item was heard at the Infrastructure Committee meeting on September 16, 2015.

ACTION: Motion by Councilmember Emerald, second by Vice-Chair Cole, to recommendation Council adopt the resolution and agreement.

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

Gibson/Chadwick

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

- * ITEM-102: Approval of a Twenty-Five Year Non-Profit Ground Lease between the City of San Diego and Family Health Centers of San Diego, for property located at the corner of National Avenue and Sampson Street. (Barrio Logan Community Area. District 8.)

ITEM DESCRIPTION:

Family Health Centers of San Diego, a California 501 (c)(3) private, non-profit Corporation, awardees' of a Request for Proposal to lease a City owned parking lot site located at the corner of National Avenue and Sampson Street, San Diego, CA 92113, is requesting approval for a twenty-five year ground lease. This behavioral health center will provide counseling, therapy and other treatment services.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2016-162)

Authorizing and directing the Mayor, or his designee, to execute that certain 25-year City of San Diego Non-Profit Ground Lease between the City of San Diego and Family Health Centers of San Diego, Inc., a California private Non-Profit Corporation, all as more fully set forth in the Lease.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The rent for the first year is \$3,412.50 with annual Consumer Price Index (CPI) adjustments for the balance of the lease term. The rent revenue will be deposited to the General Fund 100000.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

This item was heard by the Smart Growth and Land Use Committee meeting on September 23, 2015.

ACTION: Motion by Councilmember Alvarez, second by Councilmember Gloria, to recommend Council adopt the resolution.

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

Thompson/Villa

Primary Contact\Phone: Charmaine Gillis\619-236-6986

Secondary Contact\Phone: Patti Phillips\619-236-6766

City Attorney Contact: Ables, Melissa D.

* ITEM-103: Settlement of personal injury claims of Derek Shubin and Steven Cogle, Risk Management File No. 10197.

ITEM DESCRIPTION:

This a complaint for personal injuries suffered by Derek Shubin and Steven Cogle as the result of a contact with a former San Diego Parking Enforcement Officer. The proposed settlement would resolve all claims brought by Derek Shubin and Steven Cogle.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2016-140)

Authorizing the Mayor, or his designee, to pay the sum of \$86,450 from the Public Liability Fund No. 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, Anibal Solis arising from the personal injury claims of Derek Shubin and Steven Cogle, United States District Court Case No. 15cv0252 JAH (BLM);

Authorizing the Chief Financial Officer to expend \$86,450 from the Public Liability Fund No. 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 in the amounts of: \$86,450 made payable to the "Gilleon Law Firm Trust Account."

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

Settlement amount of \$86,450 will be paid from the Public Liability Fund No. 720045.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

The item was approved in Closed Session on June 23, 2015, and September 15, 2015.

Bamberg

Primary\City Attorney Contact\Phone: Keith Phillips\619-236-6695

* ITEM-104: Settlement of employment disability discrimination claims of Steven L. Perkins, Risk Management File No. 9695.

ITEM DESCRIPTION:

The complaint pertains to employment disability discrimination allegedly suffered by former City of San Diego employee Steven L. Perkins. The proposed settlement would resolve all claims brought by Steven L. Perkins.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2016-139)

Authorizing the Mayor, or his designee, to pay the sum of \$77,195 from the Public Liability Fund No. 720045, in settlement of each and every claim for damages, interest, costs, and fees of any type, including attorney and expert fees, against the City of San Diego, its agents and employees, arising from the employment discrimination lawsuit Steven L. Perkins v. City of San Diego, San Diego County Superior Court Case No. 37-2014-00041346-CU-CR-CTL;

Authorizing the Chief Financial Officer to appropriate and expend \$77,195 from the Public Liability Fund No. 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 in the amount of \$77,195, made payable to the Law Office of Michael A. Conger Client Trust Account, in full and final settlement of all of Steven L. Perkins' employment discrimination claims against the City of San Diego, its agents and employees.

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

Settlement amount of \$77,195 will be paid from the Public Liability Fund No. 720045.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

The item was considered and approved in Closed Session on September 15, 2015.

Bamberg

Primary\City Attorney Contact\Phone: Kristin M. J. Zlotnik\619-533-5862, MS 59

* ITEM-105: Appointment to the San Diego County Water Authority Board of Directors.

MAYOR FAULCONER'S RECOMMENDATION:

Adopt the following resolution:

(R-2016-164)

Council confirmation of the following appointment by the Mayor of the City of San Diego, to serve as a Director on the San Diego County Water Authority Board of Directors, for the term ending as indicated:

<u>NAME</u>	<u>TERM ENDING</u>
David Cherashore (La Jolla, District 1) (Filling the seat previously held by Thomas Wornham)	May 2, 2021

* ITEM-106: Appointments and Reappointment to the Balboa Park Committee.

MAYOR FAULCONER'S RECOMMENDATION:

Adopt the following resolution:

(R-2016-142)

Council confirmation of the following appointments and reappointment by the Mayor of the City of San Diego, to serve as members of the Balboa Park Committee, for terms expiring as indicated:

<u>NAME</u>	<u>CATEGORY</u>	<u>TERM ENDING</u>
Dang Manh Nguyen (University Heights, District 3) (Filling the seat previously held by Michael Singleton)	District 3 Representative	March 1, 2017
Amy Bernal (Cortez Hill, District 3) (Filling the seat previously held by Jerilyn Dilno)	District 3 Representative	March 1, 2017
Johanna Schiavoni (North Park, District 3) (Reappointment)	District 3 Representative	March 1, 2017

* ITEM-107: Appointment to the Bicycle Advisory Committee.

MAYOR FAULCONER'S RECOMMENDATION:

Adopt the following resolution:

(R-2016-165)

Council confirmation of the following appointment by the Mayor of the City of San Diego, to serve as a member of the Bicycle Advisory Committee, for a term ending as indicated:

<u>NAME</u>	<u>CATEGORY</u>	<u>TERM ENDING</u>
John Holder (Solana Beach) (Filling the vacancy in the seat previously held by Kyle Heiskala, who resigned)	Mayoral Appointee	July 1, 2016

Declaring that pursuant to Council Policy 000-13, for purposes of deliberation and consideration of appointments, it is determined that John Holder is a resident of San Diego County, but not the City of San Diego, and has unique qualifications to serve as a member of the Board; therefore, a conscious exception to Council Policy 000-13 is hereby declared.

**ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS
RESOLUTIONS:**

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

ITEM-330: Adopting the 2016 Legislative Calendar and Fiscal Year 2017 Budget Process and Fiscal Year 2016 Budget Monitoring Key Dates.

ITEM DESCRIPTION:

Approve the proposed resolution.

COUNCIL PRESIDENT LIGHTNER'S RECOMMENDATION:

Adopt the following resolution:

(R-2016-173)

Adopting the schedule of meetings for the City Council, Standing Committees, and Budget Review Committee of the City Council, which includes meetings of the Housing Authority, for the period of January 1, 2016, through December 31, 2016;

Adopting the Fiscal Year 2017 Budget Process and Fiscal Year 2016 Budget Monitoring Key Dates, as approved by the Budget and Government Efficiency Committee.

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

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS: N/A

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

The Fiscal Year 2017 Budget Process and Fiscal Year 2016 Budget Monitoring Key Dates were heard at the Budget and Government Efficiency Committee on October 7, 2015.

ACTION: Motion by Councilmember Kersey, second by Councilmember Cole, to recommend approval of the FY 2017 Budget Development Calendar with direction to include the Multi-Year Capital Plan in the calendar.

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

Jurado-Sainz

Primary Contact\Phone: Diana Jurado-Sainz\619-236-6611, MS 10A
City Attorney Contact: Spivak, Sharon B.

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

ITEM-331: Appointment and Reappointment to the Convention Center Corporation Board of Directors.

MAYOR FAULCONER'S RECOMMENDATION:

Adopt the following resolution:

(R-2016-163)

Council confirmation of the following appointment and reappointment by the Mayor of the City of San Diego, to serve as members of the Board of Directors of the San Diego Convention Center Corporation, for terms expiring as indicated:

NAME

TERM ENDING

Mohsen Khaleghi
(Torrey Hills, District 1)
(Filling the vacancy in the
seat previously held by
Marilyn Hannes)

December 1, 2017

Stephen Cushman
(Scripps Ranch, District 5)
(Reappointment)

December 1, 2017

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

ITEM-332: Consideration of Nominees for Appointment to the San Diego Convention Center Corporation Board of Directors.

COUNCIL PRESIDENT LIGHTNER'S RECOMMENDATION:

Adopt the following resolution:

(R-2016-110)

Council confirmation of the following appointment by the Council of the City of San Diego, to serve as a member of the Board of Directors of the San Diego Convention Center Corporation, for a term expiring as indicated:

<u>NAME</u>	<u>CATEGORY</u>	<u>TERM ENDING</u>
_____	Council	December 1, 2017
(_____)	Representative	
(Filling the seat previously held by Nico Ferraro)		

(The following paragraph will be included or stricken as necessary following the Council action.)

Declaring that pursuant to Council Policy 000-13, for purposes of deliberation and consideration of appointments, it is determined that _____ is a resident of San Diego County, but not the City of San Diego, and has unique qualifications to serve as a member of the Board; therefore, a conscious exception to Council Policy 000-13 is hereby declared.

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

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

ITEM-333: Exclusive Negotiation Agreement with Holland Partners Group - Park and Market Site. (bounded by Market Street, Park Boulevard, G Street and 11th Avenue.) (East Village Neighborhood of the Downtown Centre City Community Plan Area. District 3.)

ITEM DESCRIPTION:

Enter into an Exclusive Negotiation Agreement with Holland Development, LLC, for the Park and Market Site to negotiate a Disposition and Development Agreement.

STAFF'S RECOMMENDATION

Adopt the following resolution:

(R-2016-175)

Approving an Exclusive Negotiation Agreement with Holland Partners Group for a proposed Mixed-Use Project at Park and Market in Downtown San Diego;

Authorizing the Mayor, or designee, to execute the Agreement and sign all documents necessary and appropriate to carry out and implement the Agreement;

Authorizing the Chief Financial Officer, as delegated, to accept the Developer's deposits in the amounts of \$50,000 and \$100,000, and to appropriate and expend such funds as contemplated under the Agreement.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

None with this action. The proposed Exclusive Negotiation Agreement (ENA) requires that Holland submit a \$100,000 good faith deposit to CivicSD/City that would be returned to Holland upon termination of the ENA if Holland has negotiated diligently and in good faith. It also requires that Holland submit a non-refundable, \$50,000 negotiation deposit related to negotiating and preparing the proposed ENA and Disposition and Development Agreement (DDA). Interest accrued from both deposits would be retained by the City. In accordance with the terms of the ENA, the purchase price and other terms of payment payable by Holland to the City will be negotiated as part of and incorporated into the DDA.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: N/A

Jarrett/Graham

Primary Contact\Phone: Eli Sanchez\619-533-7121, MS 51D
City Attorney Contact: Slegers, Nathan

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

ITEM-334: Two Lease Agreements for Retail Kiosks at the new Horton Plaza Urban Park, San Diego, CA 92101. (Downtown Community Area. District 3.)

ITEM DESCRIPTION:

Approve the proposed lease agreements by and between the City of San Diego, a California Municipal Corporation by and through the City's agent, Horton Plaza Services, Inc. (also commonly known as "Westfield"), and Horton Fun Land, LLC (also commonly known as Sloan's) and Bruxie, LLC, for occupancy of two (2) retail kiosks at the Horton Plaza Urban Park located at the south-west corner of 4th Avenue and Broadway, San Diego, CA.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2016-177)

Authorizing and directing the Mayor, or his designee, to facilitate the execution of two kiosk leases, specifically: (1) the kiosk lease between the City of San Diego, a California Municipal Corporation, acting by and through its agent, Horton Plaza Services, Inc., a Delaware Corporation, and Horton Fun Land, LLC, for the occupancy and operation of a retail store at the new Horton Plaza Urban Park, the terms and conditions of which are more fully set forth in Document No. _____; and (2) the kiosk lease between the City of San Diego, a California Municipal Corporation, acting by and through its agent, Horton Plaza Services, Inc., a Delaware Corporation, and Bruxie, LLC, for the occupancy and operation of a retail store at the new Horton Plaza Urban Park, the terms and conditions of which are more fully set forth in Document No. _____ .

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

Per the Programming Agreement, the Program Manager, Successor Agency and City acknowledge their mutual objective of (i) maximizing the activation of the Plaza Property with events and (ii) that there be Retail Uses and Events that generate revenues sufficient to at least offset all Program Manager Costs and agree that the policies and procedures regarding planning, development, marketing scheduling, managing, supporting, coordinating and programming the Plaza Property and setting of Use Fees will be established to serve that objective.

Proceeds remaining after payment of the Program Manager's Costs ("Excess Use Fees") are to be allocated by Program Manager to Program Manager and City as follows: fifty (50%) percent to the Program Manager as Program Manager's Fee and, fifty (50%) percent to the City to be deposited into the Property Capital Reserves Account Fund 400669 for the restricted purpose of paying the cost of Property Capital Repairs and Replacements when needed.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

RR-306544, dated January 16, 2011, authorizing Cooperation Agreement between the City and Agency for the Purpose of Improving Horton Park and a Portion of Horton Plaza, and providing for the Maintenance, Operation and Programming of the Area.

Thompson/Villa

Primary Contact\Phone: Mary Carlson\619-236-6079, MS51A

Secondary Contact\Phone: Cybele Thompson\619-236-6145, MS51A

City Attorney Contact: Bevier, Debra J.

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-335: Appeal of the Hearing Officer's Decision to Adopt Mitigated Negative Declaration No. 396980 for the Indiana Street Apartments Project. (Great North Park Community Plan Area. District 3.)

ITEM DESCRIPTION:

The Indiana Street Apartments Project was heard by the Hearing Officer on August 26, 2015, at a noticed public hearing. At that hearing the Hearing Officer adopted the Mitigated Negative Declaration and the associated Mitigation Monitoring and Reporting Program. On September 8, 2015, an appeal of the CEQA determination was filed challenging the adequacy of the Mitigated Negative Declaration.

TODAY'S ACTIONS ARE:

Take the following actions:

According to San Diego Municipal Code Section 112.0520(d) Power to Act on Appeal, the City Council shall consider the appeal and may take action as follows:

(1) By a majority vote, deny the appeal, and certify the Mitigated Negative Declaration;
or

(2) By a majority vote, grant the appeal and set aside the environmental determination, in accordance with San Diego Municipal Code Section 112.0520(e);

Directing the City Attorney to prepare the appropriate resolutions according to Section 40 of the City Charter;

If the City Council grants the appeal, the lower-decision maker's decision to approve the project shall be held in abeyance. The City Council shall retain jurisdiction to act on the revised environmental document and associated project at a subsequent public hearing.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

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

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: None.

Lowe\Graham\JSF

Primary Contact\Phone: John S. Fisher\619-446-5231, MS 302

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