

**CITY COUNCIL OF THE CITY OF SAN DIEGO  
SUPPLEMENTAL DOCKET NUMBER 3  
FOR THE REGULAR MEETING OF  
TUESDAY, DECEMBER 15, 2015, AT 9:00 AM  
CITY ADMINISTRATION BUILDING  
COUNCIL CHAMBERS – 12<sup>TH</sup> FLOOR  
202 “C” STREET  
SAN DIEGO, CA 92101**

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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.

**ADOPTION AGENDA, CONSENT ITEMS**

**RESOLUTIONS:**

- \* ITEM-S502: Settlement of *Aglío, et al. v. City of San Diego*, San Diego Superior Court Case No. 37-2009-00081994-CU-EI-CTL (“Aglío”).

**ITEM DESCRIPTION:**

This lawsuit alleges violations of the Mobilehome Residency Law and related claims. Per the terms of this Settlement Agreement, this Aglio action shall be certified as a class action lawsuit. The members of this putative class are comprised of all claimants who are not governed by the Amended Judgment in the De Anza lawsuit. The Settlement Agreement permits up to one “opt out” by a putative class member. If more than one claimant opts out, at the City’s discretion, the City may rescind the Settlement Agreement. The proposed settlement will resolve all claims brought by the members of the class, excepting any claimant who opts out of the class.

**CITY ATTORNEY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2016-323)

Authorizing the Mayor, or his designee, to execute the Settlement Agreement in the Aglio matter and to pay the sum of \$19,995,000 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 *Aglio, et al. v. City of San Diego*, San Diego Superior Court Case No. 37-2009-00081994-CU-EI-CTL;

Authorizing the Mayor, or his designee, to amend the contract with Overland, Pacific & Cutler, Inc., to extend the contract term through December 31, 2016, and expand the scope of work to include updating the Relocation Impact Report and the administration and payment of claims consistent with Amendment No. 3 to the Agreement for Consulting Services by Overland Pacific & Cutler, Inc., at costs not to exceed \$395,250, attached hereto as Attachment A;

Authorizing the Chief Financial Officer to appropriate and transfer \$2,000,000 from the De Anza Operating Fund No. 200329 to the Public Liability Fund No. 720045 for the purpose of funding a portion of this action, 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 Chief Financial Officer to transfer \$15,000,000 from the Public Liability Reserve - Contingency Fund No. 720046 to the Public Liability Fund No. 720045 for the purpose of funding a portion of this action;

Authorizing the Chief Financial Officer to appropriate and expend \$17,000,000 from the Public Liability Fund, Fund No. 720045 in Fiscal Year 2016, 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 Chief Financial Officer to appropriate and expend \$2,995,000 from the Public Liability Fund No. 720045 in Fiscal Year 2017, contingent upon the adoption of the Annual 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.

**SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

Total settlement of \$19,995,000 will be paid from the Public Liability Fund No. 720045. In addition, \$395,250 will be funded from the Public Liability Fund No. 720045, for consulting services provided by Overland, Pacific & Cutler, Inc.

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

The item was approved in Closed Session on July 28, 2015.

Bamberg

Primary Contact\Attorney\Phone: John Riley\619-236-7263

Secondary Contact\Phone: Anna Lonergan\619-533-5838

\* ITEM-S503: Approving Four Multiple Award Design-Build Contract (MACC) for Water, Wastewater, and Storm Water Pipeline Projects. (Citywide.)

**ITEM DESCRIPTION:**

The City Council is requested to approve and authorize the award of four Multiple Award Construction Contracts (MACC) for a cumulative value of \$100,000,000 for the purpose of providing design and construction services for water, wastewater and storm drain pipeline CIP Projects.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2016-330)

Authorizing the Mayor, or his designee, to execute for and on behalf of the City, an Agreement for four Multiple Award Design-Build Contract (MACC's) with the following four firms: 1) Orion Construction Corp./Balboa Construction, Inc. J.V.; 2) El Cajon Grading & Engineering Company, Inc.; 3) CASS Construction, Inc.; and 4) TC Construction Company, Inc., to complete design-build water, wastewater, and storm drain pipeline projects throughout the City in an amount not to exceed \$5,000,000, which this action is only to authorize Agreement with the shortlisted firms and it is not authorizing any construction activities, 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 Treasury, under the terms and conditions set forth in the Agreement;

Authorizing the Chief Financial Officer to expend a total amount of \$5,000 from WBS B-13215.06.01.01, Sewer Group 962, Fund 700008, Muni Sewer CIP, \$5,000 from WBS B-00426.06.01.01, Sewer Group 812, Fund 700008, Muni Sewer CIP, \$5,000 from WBS B-15174.06.01.01, AC Water and Sewer Group 1029, Fund 700010, Water Utility CIP, \$5,000 from WBS B-15112.06.01.01, AC Water Group 1019, Fund 700010, Water Utility CIP for the purpose of executing these contracts and meeting minimum contract requirements;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$100,000,000 for MACC task orders during the contract duration with listed firms upon the adoption of the Annual Appropriation Ordinance for the applicable fiscal year and contingent upon the Chief Financial Officer first furnishing one or more certificates demonstrating that funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

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

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

The City agrees to issue a minimum task order guaranteed of \$5,000 per contract over the full term of the contract. The minimum guaranteed amount of \$20,000 (\$5,000 for each team) will be authorized under approval of this action. The total maximum contract amount shall not exceed \$100,000,000 and the maximum Task Order amount shall not exceed \$30,000,000, unless approved by Council. Funding for future tasks will be provided by the CIP projects requiring these services, upon issuance by the City Comptroller of a Comptroller Certificate for these associated expenditures.

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

On April 23, 2012, the City Council approved (O-20149) the use of the Multiple Award Design-Build Contract (MACC) for a delivery method of the Capital Improvement Projects.

On October 20, 2015, the City Council approved (O-20474) changes to the MACC Program to remove the pilot status of the program, including an increased task order authorization limit of \$30,000,000.

This action was heard at the Infrastructure Committee on December 9, 2015.

**ACTION:** Motion by Councilmember Emerald, second by Vice-Chair Cole, to recommend Council adopt the resolution.

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

Gibson/Gomez

Primary Contact\Phone: Richard Leja\619-533-5112

Secondary Contact\Phone: Paul Bowden\619-533-3040

City Attorney Contact: Mercer, Mark M.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS  
RESOLUTIONS:

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

ITEM-S504: Approval of 2016 State and Federal Legislative Platform. (Citywide.)

**ITEM DESCRIPTION:**

This action is for Council approval of the 2016 State and Federal Legislative Platform. The Legislative Platform defines the City's policy guidelines and provides a means to protect and advance the City's interests on priority issues and legislative/regulatory matters on the State and Federal levels, and to a degree at the regional and local levels.

**MAYOR FAULCONER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2016-332 Cor. Copy) (Rev. 12/14/15)

Approving the 2016 State and Federal Legislative Platform as set forth in the Report to the City Council, Report No. 15-112, revised December 10, 2015.

**NOTE:** This item is not subject to the Mayor's veto. (Rev. 12/14/15)

**SUPPORTING INFORMATION:**

FISCAL CONSIDERATIONS: N/A

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

This item was heard at the Economic Development and Intergovernmental Resources Committee meeting on December 10, 2015.

**ACTION:** Motion by Council President Lightner, second by Chair Cole, to recommend Council approval of the 2016 State and Federal Legislative Platform with direction to staff to edit Focus 2.3; State Item No. 1 regarding California's Bay-Delta infrastructure; remove the word "support" and replace with "monitor"; and consider comments provided by the Committee for further refinement of the Platform in the following areas:

- Concern regarding the sale of historic post offices and the preservation of Saturday mail delivery;
- Support collaboration with other Southern California agencies for a local unmanned aerial vehicle test site area for the FAA.

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

Bradford

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City Attorney Contact: Dugard, Prescilla