

CITY OF SAN DIEGO COUNCIL AGENDA



COUNCIL PRESIDENT

Georgette Gómez • Ninth District

COUNCIL PRESIDENT PRO TEM

Barbara Bry • First District

COUNCILMEMBERS

Jennifer Campbell • Second District
Christopher Ward • Third District
Monica Montgomery • Fourth District
Mark Kersey • Fifth District
Chris Cate • Sixth District
Scott Sherman • Seventh District
Vivian Moreno • Eighth District

Andrea Tevlin
Independent
Budget Analyst

Mara W. Elliott
City Attorney

Elizabeth Maland
City Clerk

Council Chambers, 12th Floor, City Administration Building

Tuesday, February 11, 2020

**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
TUESDAY, FEBRUARY 11, 2020, AT 10:00 AM
CITY ADMINISTRATION BUILDING
COUNCIL CHAMBERS – 12TH FLOOR
202 “C” STREET
SAN DIEGO, CA 92101**

ALTERNATE FORMATS

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.

SENATE BILL 343 (LATE-ARRIVING MATERIALS)

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, in the Lobby 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. (Rev. 2/5/2020)

NOTE: The City Council will meet in Closed Session this morning at 11:00 a.m. Public comment on Closed Session items will occur toward the end of the 10:00 a.m. session before Council adjourns into Closed Session. Copies of the Closed Session agenda are available in the Office of the City Clerk.

NOTE: There are no items of business scheduled for the afternoon session of the February 11, 2020 meeting.

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:

01/13/2020

01/14/2020

01/15/2020 State of the City

01/20/2020 Adjourned

01/21/2020 Adjourned

ADOPTION AGENDA, CONSENT ITEMS

The Consent items listed are considered to be routine, and the environmental documents have been considered. 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.

ADOPTION AGENDA

CONSENT, ORDINANCES TO BE INTRODUCED WITH RESOLUTIONS TO BE ADOPTED:

Item 60: Play All Day Parks Program: Approval of Joint Use Agreements between the City and SDUSD for Standley Middle and Spreckels Elementary Schools.

Total Estimated Cost of Proposed Action and Funding Source:

The cost of this agreement is not-to-exceed \$90,000 and will be funded by the University City South Development Impact Fee.

Council District(s) Affected: 1.

Proposed Actions:

Subitem-A: (O-2020-78)

Introduction of an Ordinance authorizing the execution of three Joint Use Agreements with the San Diego Unified School District for the Standley Middle School, Standley Community Park, and Spreckels Elementary School.

6 votes required pursuant to Charter Section 99.

Subitem-B: (R-2020-310)

Resolution of the City, as a Responsible Agency, that it has reviewed and considered the Initial Study/Mitigated Negative Declaration prepared by the San Diego Unified School District for the Standley Middle School, Standley Community Park, and Spreckels Elementary School Joint Use Agreements, and adopting a Mitigation, Monitoring, and Reporting Program.

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

Committee Actions Taken:

This item was heard at the Environment Committee meeting on January 16, 2020.

ACTION: Motion by Councilmember Bry, second by Vice Chair Moreno, to recommend Council approval of staff's proposed actions.

VOTE: 4-0; Campbell-yea, Moreno-yea, Bry-yea, Sherman-yea.

Parks & Recreation: Shannon Scoggins, (619) 236-6894

City Attorney Contact: Hilda R. Mendoza

ADOPTION AGENDA

CONSENT, RESOLUTIONS TO BE ADOPTED:

Item 100: Contract with Hawthorne Machinery Company for the Lease and Maintenance of Heavy-Duty Equipment for the Miramar Landfill and Greenery.

Total Estimated Cost of Proposed Action and Funding Source:

The cost of this agreement with Hawthorne Machinery Company for lease and maintenance of heavy duty landfill equipment is not-to-exceed \$6,887,000 for a term of 5 years. This will be funded by the Disposal Enterprise Fund.

Council District(s) Affected: Citywide.

Proposed Actions:

Subitem-A: (R-2020-300)

Resolution authorizing the Mayor, or his designee, to enter into an Agreement with Hawthorne Machinery Company, in an amount not-to-exceed \$6,887,000, for the lease and maintenance of heavy-duty equipment for the Miramar Landfill and Greenery.

Subitem-B: (R-2020-307)

Resolution determining that authorization of an Agreement with Hawthorne Machinery Company for the lease and maintenance of heavy-duty equipment for the Miramar Landfill and Greenery is exempt from the California Environmental Quality Act pursuant to Section 15301 of the CEQA Guidelines.

Committee Actions Taken:

This item was heard at the Environment Committee meeting on January 16, 2020.

ACTION: Motion by Vice Chair Moreno, second by Councilmember Sherman, to recommend Council approval of staff's proposed actions.

VOTE: 4-0; Campbell-yea, Moreno-yea, Bry-yea, Sherman-yea.

Environmental Services: Renee Robertson, (858) 573-1275

City Attorney Contact: Allegra Frost

Item 101: Authorization to Execute a Contract with Polydyne, Inc., (Bid No. 10089553-19-V) to Provide Cationic Polymer to the Water Filtration Plants.

Total Estimated Cost of Proposed Action and Funding Source:

The cost of this agreement is not-to-exceed \$3,334,105 for a term of 60 months. The agreement will be funded by the Water Fund.

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2020-258)

Resolution authorizing a five year contract with Polydyne, Inc., to provide Cationic Polymer for water treatment plants in an amount not-to-exceed \$3,334,105.

Committee Actions Taken:

This item was heard at the Environment Committee meeting on January 16, 2020.

ACTION: Motion by Vice Chair Moreno, second by Councilmember Sherman, to recommend Council approval of staff's proposed actions.

VOTE: 4-0; Campbell-yea, Moreno-yea, Bry-yea, Sherman-yea.

Public Utilities: Isam Hireish, (619) 527-3156

City Attorney Contact: Ray Palmucci

Item 102: Authorization for Remaining Option Years for a Total Contract Amount of \$9,384,614 with JCI Jones Chemicals, Inc., (BID 10089515-19-V) to Provide Caustic Soda 50% for Water and Wastewater Facilities.

Total Estimated Cost of Proposed Action and Funding Source:

The cost of this agreement is not-to-exceed \$9,384,614 for the term of 5 years. The agreement will be funded by the Water, Metro and Muni Funds.

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2020-277)

Resolution authorizing the Mayor, or his designee, to execute the remaining four (4) option years on the Agreement with JCI Jones Chemical, Inc., in an amount not-to-exceed \$9,384,614, to provide Caustic Soda 50% for Water and Wastewater facilities.

Committee Actions Taken:

This item was heard at the Environment Committee meeting on January 16, 2020.

ACTION: Motion by Vice Chair Moreno, second by Councilmember Sherman, to recommend Council approval of staff's proposed actions.

VOTE: 4-0; Campbell-yea, Moreno-yea, Bry-yea, Sherman-yea.

Public Utilities: Isam Hireish, (619) 527-3156

City Attorney Contact: Christine M. Leone

Item 103: Authorization of a 20-Year Non-Profit Lease with Two 5-Year Options between the City of San Diego and Educational Enrichment Systems, Inc., for City Owned Land and Building Located at 6960 Linda Vista Road, and Waiver of Certain Requirements of Council Policy 700-12.

Total Estimated Cost of Proposed Action and Funding Source:

A minimum of \$3,737.50 rent will be deposited annually into the General Fund, with annual Consumer Price Index (CPI) adjustments for the balance of the lease term.

Council District(s) Affected: 7.

Proposed Actions:

Subitem-A: (R-2020-308)

Resolution authorizing execution of a 20-year non-profit lease for the real property located at 6960 Linda Vista Road, San Diego, California, for the purposes of providing subsidized childcare and preschool to income-qualified families and waiving strict compliance with Council Policy 700-12.

Subitem-B: (R-2020-309)

Resolution determining that execution of a 20-year non-profit lease for the real property located at 6960 Linda Vista Road, San Diego, California, for the purposes of providing subsidized childcare and preschool to income-qualified families and waiving strict compliance with Council Policy 700-12 is exempt from the California Environmental Quality Act Pursuant to Section 15301 of the CEQA Guidelines.

Committee Actions Taken:

This item was heard at the Land Use and Housing Committee meeting on January 23, 2020.

ACTION: Motion by Councilmember Sherman, second by Councilmember Campbell, to recommend Council approval of staff's proposed actions.

VOTE: 4-0; Ward-yea, Campbell-yea, Kersey-yea, Sherman-yea.

Real Estate Assets: Tracy Solis, (619) 235-5233

City Attorney Contact: Melissa Ables

Item 104: Appropriation Increase for Accela System Implementation - Phase 2 Project.

Total Estimated Cost of Proposed Action and Funding Source:

This action will authorize the appropriation and expenditure of \$436,300.80 from the Capital Improvements Program.

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2020-306)

Resolution increasing the CIP budget and authorizing an appropriation and expenditure increase for the Accela System Implementation – Phase 2 Project for \$436,300.80.

Committee Actions Taken:

This item was heard at the Budget and Government Efficiency Committee meeting on January 22, 2020.

ACTION: Motion by Councilmember Montgomery, second by Chair Bry, to recommend Council approval of staff's proposed actions.

VOTE: 4-0; Bry-yea, Cate-yea, Montgomery-yea, Campbell-yea.

Development Services: Jon Terwilliger, (619) 235-5715

City Attorney Contact: Noah Brazier

Item 105: Accept Donations in the Form of Recreational Public Trail Easements from the Carmel Valley Neighborhood 10 North Homeowners Assn (APN 307-480-35) and the West Amber Ridge Community Assn (APN 307-080-11) in the Carmel Valley Area of San Diego.

Total Estimated Cost of Proposed Action and Funding Source:

There are no expenditures being approved with this action.

Council District(s) Affected: 1.

Proposed Actions:

(R-2020-304)

Resolution accepting a donation of recreational public trail easements from the Carmel Valley Neighborhood 10 North Homeowners Assn (APN 307-480-35) and the West Amber Ridge Community Assn (APN 307-080-11) in the Carmel Valley and Del Mar Mesa Communities.

Committee Actions Taken:

This item was heard at the Land Use and Housing Committee meeting on January 23, 2020.

ACTION: Motion by Councilmember Sherman, second by Councilmember Campbell, to recommend Council approval of staff's proposed actions.

VOTE: 4-0; Ward-yea, Campbell-yea, Kersey-yea, Sherman-yea.

Real Estate Assets: Barry Slotten, (619) 236-6724

City Attorney Contact: Hilda R. Mendoza

Item 106: Settlement of Brandon Duncan, et al. v. City of San Diego, et al., United States District Court Case No.: 17cv0052 BTM (MDD). Claim No. 14413.

Total Estimated Cost of Proposed Action and Funding Source:

Settlement amount of \$1,475,000 will be paid from the Public Liability Fund.

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2020-301)

Resolution authorizing the settlement of Brandon Duncan, et al. v. City of San Diego, et al., United States District Court Case No.: 17cv0052 BTM (MDD), related to claims of arrest without probable cause on June 19, 2014. Claim No. 14413.

Committee Actions Taken: N/A

Office of the City Attorney: Stacy J. Plotkin-Wolff, (619) 236-6486

Item 107: Settlement of Semih Osmanoglu v. City of San Diego, et al., San Diego Superior Case No. 37-2017-00025541-CU-PO-CTL. Claim No. 16487.

Total Estimated Cost of Proposed Action and Funding Source:

Settlement amount of \$95,000 will be paid from the Public Liability Fund.

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2020-283)

Resolution authorizing the settlement of Semih Osmanoglu v. City of San Diego, et al., San Diego Superior Case No. 37-2017-00025541-CU-PO-CTL, related to a claim of personal injuries sustained from a motorcycle accident on Heritage Road in the City of San Diego on February 14, 2017. Claim No. 16487.

Committee Actions Taken: N/A

Office of the City Attorney: Dave E. Abad, (619) 533-5821

Item 108: Settlement of City of San Diego v. Lindshield Ranches and Development, Inc., San Diego Superior Court Case No. 37-2017-00022885-CU-BC-NC.

Total Estimated Cost of Proposed Action and Funding Source:

Settlement amount of \$136,000 will be paid from the Water Fund.

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2020-273)

Resolution authorizing the settlement of City of San Diego v. Lindshield Ranches and Development, Inc., San Diego Superior Court Case No. 37-2017-00022885-CU-BC-NC, involving a lease dispute arising after the City leased a parcel of land to Lindshield Ranches.

Committee Actions Taken: N/A

Office of the City Attorney: Tyler Krentz, (619) 533-4542

Item 109: Settlement of Alarice King v. City of San Diego, et al., San Diego Superior Court Case No. 37-2018-00041485-CU-PO-CTL. Claim No. 20162.

Total Estimated Cost of Proposed Action and Funding Source:

Settlement amount of \$250,000 will be paid from the Public Liability Fund.

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2020-280) (Rev. 2/5/20)

Resolution authorizing the settlement of Alarice King v. City of San Diego, et al., San Diego Superior Court Case No. 37-2018-00041485-CU-PO-CTL, related to a claim of alleged sexual harassment and racial discrimination. Claim No. 20162.

Committee Actions Taken: N/A

Office of the City Attorney: Dana C. Fairchild, (619) 235-5872

Item 110: Declaring a Continued State of Emergency Regarding Raw Sewage, Solid Waste, and Sediment Coming from Tijuana, Mexico.

Total Estimated Cost of Proposed Action and Funding Source: N/A

Proposed Actions:

(R-2020-183)

Declaring a Continued State of Emergency regarding Raw Sewage, Solid Waste, and Sediment Coming from Tijuana, Mexico.

Committee Actions Taken: N/A

City Attorney Contact: David L. Krypel

PROCLAMATIONS/CEREMONIAL ITEMS (NOT PRESENTED IN CHAMBERS)

Item 30: Dexter Lacy Day.

COUNCILMEMBER WARD'S RECOMMENDATION:

Proclaiming February 12, 2020, to be "Dexter Lacy Day " in the City of San Diego.

Item 31: Adolfo Ocampo Day.

COUNCILMEMBER MORENO'S RECOMMENDATION:

Proclaiming February 20, 2020, to be "Adolfo Ocampo Day" in the City of San Diego.

Item 32: League of Women Voters Day.

COUNCIL PRESIDENT PRO TEM BRY'S RECOMMENDATION:

Proclaiming February 14, 2020, to be "League of Women Voters Day" in the City of San Diego.

Item 33: 50th Anniversary of Barrio Station Day.

COUNCIL PRESIDENT GÓMEZ'S AND COUNCILMEMBER MORENO'S RECOMMENDATION:

Proclaiming March 5, 2020, to be "50th Anniversary of Barrio Station Day" in the City of San Diego.

Item 34: Being Alive San Diego's 30th Anniversary Day.

COUNCIL PRESIDENT GÓMEZ'S RECOMMENDATION:

Proclaiming February 21, 2020, to be "Being Alive San Diego's 30th Anniversary Day" in the City of San Diego.

SPECIAL ORDERS OF BUSINESS

None.

ITEMS PULLED FROM THE CONSENT AGENDA

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 (2) 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 fifteen (15) Non-Agenda Public Comment speakers on a particular Tuesday, priority may be given to those speakers who did not speak during Non-Agenda Public Comment at the most recent prior Council meeting.

MAYOR, COUNCIL, CITY ATTORNEY, INDEPENDENT BUDGET ANALYST, CITY CLERK COMMENT

UPDATES ON PENDING LEGISLATION (MAYOR'S OFFICE)

REQUESTS FOR CONTINUANCE BY COUNCILMEMBERS

NON-AGENDA ITEMS

REPORT OUT FROM CLOSED SESSION

NOTE: This report will occur in Open Session immediately following the conclusion of Closed Session in the Committee/Closed Session Room. (City Administration Building, 12th Floor, 202 "C" Street, San Diego, CA 92101).

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT