

REVISED

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, June 25, 2019

**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
TUESDAY, JUNE 25, 2019, 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 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 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.

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) 578-7550. 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

05/20/2019

05/21/2019

05/27/2019 - Adjourned

05/28/2019 - 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:

Item 50: Request to Exempt One Program Manager Position and Five Program Coordinator Positions in the Communications Department from Classified Service.

Total Estimated Cost of Proposed Action and Funding Source:

Future funding for these positions may be made available through vacancies and/or budget allocations over time.

Council District(s) Affected: Citywide.

Proposed Actions:

(O-2019-143)

Introduction of an Ordinance authorizing the exemption of one Program Manager position and five Program Coordinator positions in the City's Communications Department from the Classified Service, based on advisory review and favorable comment by the Civil Service Commission on April 4, 2019. The Program Manager position will be responsible for overseeing all non-safety public information teams. The Program Coordinator positions will be responsible for guiding the development of internal and external strategic communication plans. This Action is brought under San Diego Charter Section 117(a)(17).

Committee Actions Taken: N/A

Communications: Tracy Morales, (619) 533-4562

City Attorney Contact: Miguel Merrell

ADOPTION AGENDA

CONSENT, ORDINANCES TO BE ADOPTED:

Item 51: Second Amendment to the Contract for Automotive Parts with Genuine Parts Company dba NAPA Auto Parts.

Total Estimated Cost of Proposed Action and Funding Source:

This amendment will extend the original 5-year Agreement by 18 months and increase the original not-to-exceed expenditure limit of \$60 million by an amount not-to-exceed \$24 million. Costs will be from various City funds contingent upon the approval of the Annual Appropriation Ordinance and

the corresponding Fiscal Year adopted budget, and the Chief Financial Officer certifying fund availability.

Council District(s) Affected: Citywide.

Proposed Actions:

Adopt the following ordinance which was introduced on 6/11/2019, Item 330. (Council voted 8-0, Councilmember Kersey-not present):

(O-2019-130 Cor. Copy)

Ordinance authorizing the Mayor, or his designee, to execute a Second Amendment to the Contract with Genuine Parts Company dba NAPA Auto Parts, extending the Contract to Furnish the Fleet Operations Department with Automotive Parts through February 21, 2021.

6 votes required pursuant to Charter Section 99.

Committee Actions Taken: N/A

Fleet Services: Alia Khouri, (619) 527-6014

City Attorney Contact: Eric S. Pooch

Item 52: Request to Exempt One Program Coordinator Position in the Police Department from the Classified Service.

Total Estimated Cost of Proposed Action and Funding Source:

The position's annual cost, including salary and fringe benefits, totals approximately \$220,000. Funds for this position will be available in the Police Department in the General Fund. Projected savings in personnel expenditures, due to vacancies, will offset the cost of this position.

Council District(s) Affected: Citywide.

Proposed Actions:

Adopt the following ordinance which was introduced on 6/11/2019, Item 50. (Council voted 8-0, Councilmember Sherman-not present):

(O-2019-138)

Ordinance authorizing the exemption of one Program Coordinator position in the Police Department from the Classified Service, based on advisory review and favorable comment by the Civil Service Commission on February 20, 2019. This Program Coordinator position will be responsible for developing, coordinating, and managing cyber security policies and procedures for the Police Department.

Committee Actions Taken: N/A

Police: Margaret Mendez, (619) 531-2793

City Attorney Contact: Miguel Merrell

ADOPTION AGENDA

CONSENT, RESOLUTIONS TO BE ADOPTED:

Item 100: Resolution Approving the Memorandum of Understanding between the City of San Diego and the Deputy City Attorneys Association (DCAA), Regarding the Terms and Conditions of Employment for Fiscal Year 2020.

Total Estimated Cost of Proposed Action and Funding Source:

The total estimated increased cost for the general salary increases in the MOU with DCAA is \$1.68 million. Estimated impacts to SDCERS due to pensionable pay increases will need to be estimated by an actuary.

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2019-701)

Resolution approving a Memorandum of Understanding between the City of San Diego and the Deputy City Attorneys Association regarding terms and conditions of employment for Fiscal Year 2020.

Committee Actions Taken: N/A

Human Resources: Louis Merlin, (619) 235-5802

City Attorney Contact: Jim McNeill

Item 101: Sale of 13 City-owned properties in Valencia Park, San Diego, CA 92114 (APN's 548-450-01, 02, 03, 548-450-14, 548-450-20 & 21, 548-462-09 & 10, 548-462-18, 19 & 20, 552-112-11, 552-113-11) and approval of real estate brokerage commission.

Total Estimated Cost of Proposed Action and Funding Source:

This action is a property sale and will generate revenue to the City.

Council District(s) Affected: 4.

Proposed Actions:

Subitem-A: (R-2019-705)

Resolution authorizing the City's sale of thirteen parcels of unimproved real property in Valencia Park located at Velma Terrace and Trinidad Way (APNs 548-450-01, 548-450-02 and 548-450-03), San Bernardo Terrace and Trinidad Way (APNs 548-450-14, 548-450-20 and 548-450-21), La Paz Drive and San Bernardo Terrace (APNs 548-462-09 and 548-462-10), Olvera Avenue and Santa Isabel Drive (APNs 548-462-18, 548-462-19 and 548-462-20), San Onofre Terrace and Santa Isabel Drive (APN 552-112-11) and Santa Isabel Drive and Encina Drive (APN 552-113-11) at or above the appraised values and related actions.

Subitem-B: (R-2019-706)

Resolution determining that the sale of thirteen parcels of unimproved real property in Valencia Park located at Velma Terrace and Trinidad Way (APNs 548-450-01, 548-450-02 and 548-450-03), San Bernardo Terrace and Trinidad Way (APNs 548-450-14, 548-450-20 and 548-450-21), La Paz Drive and San Bernardo Terrace (APNs 548-462-09 and 548-462-10), Olvera Avenue and Santa Isabel Drive (APNs 548-462-18, 548-462-19 and 548-462-20), San Onofre Terrace and Santa Isabel Drive (APN 552-112-11) and Santa Isabel Drive and Encina Drive (APN 552-113-11) is exempt from the California Environmental Quality Act pursuant to Section 15312 of the CEQA Guidelines.

Committee Actions Taken:

This item was heard at the Land Use and Housing Committee meeting on June 12, 2019.

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

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

Real Estate Assets: Mary Carlson, (619) 236-6079

City Attorney Contact: Hilda R. Mendoza

Item 102: Appointment to the Commission on Gang Prevention and Intervention.

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

Council District(s) Affected: 2.

Proposed Actions:

(R-2019-694)

Resolution confirming the Mayor's appointment of Mr. Michael Morrill to the Commission on Gang Prevention and Intervention, replacing Mr. Gary Lynn for a term expiring 7/1/2021.

Committee Actions Taken: N/A

Office of the Mayor: John Ly, (619) 236-7740

City Attorney Contact: Jennifer L. Berry

Item 103: Appointments to the Citizens Advisory Board on Police/Community Relations.

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

Council District(s) Affected: 4, 9.

Proposed Actions:

(R-2019-693)

Resolution confirming the Mayor's appointments of Ms. Samantha Jenkins and Ms. Stephanie Perez to the Citizens Advisory Board on Police/Community Relations, replacing Mr. Armand King and Mr. Jay Bowser for terms expiring 1/1/2020.

Committee Actions Taken: N/A

Office of the Mayor: John Ly, (619) 236-7740

City Attorney Contact: Jennifer L. Berry

Item 104: Reappointment to the Otay Mesa Enhanced Infrastructure Financing District Public Financing Authority.

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

Council District(s) Affected: 8.

Proposed Actions:

(R-2019-692)

Resolution reappointing Mr. Moises Aguirre to the Otay Mesa Enhanced Infrastructure Financing District Public Financing Authority for a term expiring 4/24/2023.

Committee Actions Taken: N/A

Office of the Mayor: John Ly, (619) 236-7740

City Attorney Contact: Jennifer L. Berry

Item 105: Declaring a Continued State of Emergency regarding the Discharge of Raw Sewage from Tijuana, Mexico.

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

Proposed Actions:

(R-2019-349)

Declaring a Continued State of Emergency regarding the Discharge of Raw Sewage from Tijuana, Mexico.

City Attorney Contact: Thomas C. Zeleny

PROCLAMATIONS/CEREMONIAL ITEMS (NOT PRESENTED IN CHAMBERS)

Item 30: 2019 San Diego Lesbian, Gay, Bisexual, Transgender Pride Month.

COUNCIL PRESIDENT GÓMEZ'S, COUNCILMEMBER WARD'S, AND
COUNCILMEMBER CAMPBELL'S RECOMMENDATION:

Proclaiming July 2019, to be "2019 San Diego Lesbian, Gay, Bisexual, Transgender Pride Month" in the City of San Diego.

Item 31: Broadway Heights Reverend Dr. Martin Luther King, Jr. Promenade Day.

COUNCILMEMBER MONTGOMERY'S RECOMMENDATION:

Proclaiming June 27, 2019, to be "Broadway Heights Reverend Dr. Martin Luther King, Jr. Promenade Day" in the City of San Diego.

Item 32: Damien Williams Day.

COUNCILMEMBER CATE'S RECOMMENDATION:

Proclaiming July 3, 2019, to be "Damien Williams Day" in the City of San Diego.

Item 33: Doug Kerner Day.

COUNCILMEMBER MORENO'S RECOMMENDATION:

Proclaiming July 2, 2019, to be "Doug Kerner 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****ADOPTION AGENDA, DISCUSSION ITEMS**ADOPTION AGENDA

DISCUSSION, ORDINANCES TO BE INTRODUCED AND ADOPTED:

Item 330: Tax Rate Ordinance for the Maintenance of Zoological Exhibits for FY 2020.

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

Total Estimated Cost of Proposed Action and Funding Source:

The item sets the tax rate for funding the maintenance of zoological exhibits in Balboa Park at \$0.05 per \$100 of taxable assessed valuation. Funding is appropriated in the Fiscal Year 2020 Adopted Budget for Zoological Exhibits Maintenance in the amount of \$14,814,168.

Council District(s) Affected: Citywide.

Proposed Actions:

(O-2019-139)

Introduce and adopt an Ordinance fixing the rate of taxation to maintain zoological exhibits in Balboa Park for Fiscal Year 2020.

Committee Actions Taken: N/A

Department of Finance: Dave Onate, (619) 533-4031

City Attorney Contact: Bret A. Bartolotta

Item S500:

Fiscal Year 2020 Appropriation Ordinance. (Added 6/20/19)

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

Total Estimated Cost of Proposed Action and Funding Source:

The Fiscal Year 2020 Appropriation Ordinance appropriates the Fiscal Year 2020 Adopted Budget. Please see the attachments for more information.

Council District(s) Affected: Citywide.

Proposed Actions:

(O-2019-144 Cor. Copy) (Rev. 6/21/19)

Ordinance approving the Budget of the City of San Diego for Fiscal Year 2020 and appropriating all necessary funds to operate the City.

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

Committee Actions Taken:

This item was heard at the Budget and Government Efficiency Committee meeting on June 19, 2019.

ACTION: Motion by Councilmember Moreno, second by Councilmember Montgomery, to recommend approval of the ordinance with an amendment to include the following language at the end of Section 18: "The Chief Financial Officer shall report all actions that are taken using this authority to the City Council."

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

Department of Finance: Adam Jones, (619) 533-6385

City Attorney Contact: Bret A. Bartolotta

ADOPTION AGENDA

DISCUSSION, RESOLUTIONS TO BE ADOPTED:

Item 331: Fiscal Year 2020 Tax Appropriations Limit (Gann Limit).

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

Total Estimated Cost of Proposed Action and Funding Source:

This item establishes the Fiscal Year 2020 Tax Appropriations Limit (Gann Limit) as required under California Law, Division 9 of the Government Code. It is recommended that the highest adjustment factor of 1.1316 be used, which will result in a Tax Appropriations Limit for Fiscal Year 2020 of \$3,374,445,439.

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2019-680)

Resolution approving the establishment of the Fiscal Year 2020 Tax Appropriations Limit (Gann Limit).

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

Committee Actions Taken: N/A

Department of Finance: Dave Onate, (619) 533-4031

City Attorney Contact: Bret A. Bartolotta

Item 332: Creation of Underground Utility District for Torrey Pines Community and the Carmel Valley Community (UU798 Residential Project Block 1Y).

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

Total Estimated Cost of Proposed Action and Funding Source:

No funds are appropriated by the current actions. The Underground Surcharge Fund will be used to fund an estimated \$12,063,200, approved by prior and subsequent actions. The utility conversion work is estimated at \$11,056,200 and related costs for administration, streetlight replacement, street resurfacing, and other related work is estimated at \$1,007,000.

Council District(s) Affected: 1.

Proposed Actions:

(R-2019-703)

Resolution fixing time and place for a public hearing to determine whether the public health, safety or general welfare requires the removal of poles, overhead wires and associated overhead structures and the underground installation of wires and facilities for supplying electric, communication, community antenna television or similar or associated service in the specified District areas, and directing the City Clerk to provide notice to affected persons and utility companies.

Committee Actions Taken: N/A

Transportation & Storm Water: Jim Nabong, (619) 533-3721

City Attorney Contact: Ryan P. Gerrity

ADOPTION AGENDA

DISCUSSION, ORDINANCES TO BE INTRODUCED:

Item 333: Curbside Recyclable Materials Processing & Marketing Contracts with Allan Company and EDCO Disposal Corporation.

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

Total Estimated Cost of Proposed Action and Funding Source:

The not-to-exceed cost of the new contracts is \$65 million over 10 years, however, ESD anticipates the cost to the City for the initial seven-year term will be approximately \$41 million, including \$28 million for Allan Company and \$13 million for EDCO Disposal Corporation. ESD is preparing a balanced approach to support the ongoing costs related to the mandatory curbside processing contracts.

Council District(s) Affected: Citywide.

Proposed Actions:

(O-2019-145)

Introduction of an Ordinance authorizing the Mayor, or his designee to enter into Agreements with Allan Company and EDCO Disposal Corporation, in an amount not-to-exceed \$65 million for both Agreements, for a term of seven years plus three one-year options to extend, to provide processing,

transporting, and marketing for the City's commingled curbside recyclables program.

6 votes required pursuant to Charter Section 99.

Committee Actions Taken:

This item was heard at the Environment Committee meeting on June 13, 2019.

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

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

Environmental Services: Mario Sierra, (858) 573-1212

City Attorney Contact: Allegra Frost

Item S501:

Extension of IPS Group, Inc. Cooperative Procurement Agreement for Single-Space Smart Parking Meters and Related Services. (Added 6/20/19)

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

Total Estimated Cost of Proposed Action and Funding Source:

This amendment to the Agreement will increase the not-to-exceed contract amount by \$1,716,000 for the Contract extension period of July 16, 2019 through November 12, 2020. This will be funded by the Parking Meter Operations Fund.

Council District(s) Affected: 3.

Proposed Actions:

(O-2019-147 Cor. Copy) (Rev. 6/21/19)

Introduction of an Ordinance authorizing the Mayor, or his designee, to execute the option to extend the Cooperative Procurement Agreement with IPS Group, Inc. through November 12, 2020, for Single Space Parking Meters and Related Services, in an amount not-to-exceed \$1,716,000.

6 votes required pursuant to Charter Section 99.

Committee Actions Taken:

This item was heard at the Budget and Government Efficiency Committee meeting on June 19, 2019.

ACTION: Motion by Councilmember Moreno, second by Councilmember Cate, to recommend Council approval of staff's proposed action.

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

Office of the City Treasurer: Jonathan Carey, (619) 533-3610

City Attorney Contact: Catherine Morrison

ADOPTION AGENDA

DISCUSSION, NOTICED HEARINGS:

Item 334: Tax Equity & Fiscal Responsibility Act Public Hearing – Scripps Mesa.

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

Total Estimated Cost of Proposed Action and Funding Source:

There are no City expenditures being approved with this action.

Council District(s) Affected: 5.

Proposed Actions:

(R-2019-691)

Resolution approving the issuance of bonds by the Housing Authority for Scripps Mesa Apartments pursuant to Section 147(f) of the Internal Revenue Code of 1986.

Committee Actions Taken: N/A

Housing Commission: Emily Jacobs, (619) 578-7423

City Attorney Contact: Marguerite Middaugh

See the Housing Authority Agenda of June 25, 2019, for a companion item.

This is a TEFRA hearing item.

Item 335: Tax Equity & Fiscal Responsibility Act Public Hearing – Ulric Street Apartments.

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

Total Estimated Cost of Proposed Action and Funding Source:

There are no City expenditures being approved with this action.

Council District(s) Affected: 7.

Proposed Actions:

(R-2019-690)

Resolution approving the issuance of bonds by the Housing Authority for Ulric Apartments pursuant to Section 147(f) of the Internal Revenue Code of 1986.

Committee Actions Taken: N/A

Housing Commission: Emily Jacobs, (619) 578-7423

City Attorney Contact: Marguerite Middaugh

See the Housing Authority Agenda of June 25, 2019, for a companion item.

This is a TEFRA hearing item.

NON-AGENDA ITEMS

REPORT OUT FROM CLOSED SESSION

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT