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# CITY OF SAN DIEGO COUNCIL DOCKET



## COUNCIL PRESIDENT

**Sherri 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, 12<sup>th</sup> Floor, City Administration Building**

**Tuesday, October 27, 2015**

**AGENDA FOR THE  
REGULAR COUNCIL MEETING OF  
TUESDAY, OCTOBER 27, 2015, AT 10:00 AM  
CITY ADMINISTRATION BUILDING  
COUNCIL CHAMBERS – 12<sup>TH</sup> FLOOR  
202 “C” STREET  
SAN DIEGO, CA 92101**

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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 City Council will convene for a Special Council meeting at 9:00 a.m., to provide the public with the opportunity to comment on the Closed Session agenda then the Council will adjourn into Closed Session from 9:00 a.m. - 10:00 a.m. Copies of the Closed Session agenda are available in the Office of the City Clerk. The public portion of the meeting will begin at 10:00 a.m.**

**ROLL CALL**

**INVOCATION**

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF COUNCIL MINUTES**

The Council Minutes of the following meetings will be approved by Unanimous Consent unless pulled for discussion:

- 09/14/2015 - Special
- 09/14/2015
- 09/15/2015
- 09/21/2015
- 09/22/2015

PROCLAMATIONS/CEREMONIAL ITEMS

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

ITEM-30: Larry Itliong Day.

**PRESENTED BY COUNCILMEMBER GLORIA:** (Rev. 10/21/15)

Proclaiming October 27, 2015, to be "Larry Itliong Day" in the City of San Diego.

ITEM-31: Tactical Air Operations Day.

**PRESENTED BY COUNCILMEMBER KERSEY:**

Proclaiming October 27, 2015, to be "Tactical Air Operations Day" in the City of San Diego.

ITEM-32: Rosa Ana Lozada Day.

**PRESENTED BY COUNCIL PRESIDENT PRO TEM EMERALD:**

Proclaiming October 27, 2015, to be "Rosa Ana Lozada 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: Battle at the Border Day.

**COUNCIL PRESIDENT LIGHTNER'S RECOMMENDATION:**

Proclaiming October 17, 2015, to be "Battle at the Border Day" in the City of San Diego.

ITEM-34: Tour de Fat Day.

**COUNCILMEMBER GLORIA'S RECOMMENDATION:**

Proclaiming September 26, 2015, to be "Tour de Fat Day" in the City of San Diego.

ITEM-35: The San Diego Downtown Breakfast Rotary Club Day.

**COUNCILMEMBER KERSEY'S RECOMMENDATION:**

Proclaiming September 18, 2015, to be "The San Diego Downtown Breakfast Rotary Club Day" in the City of San Diego.

ITEM-36: I Love a Clean San Diego Day.

**COUNCILMEMBER KERSEY'S RECOMMENDATION:**

Proclaiming September 19, 2015, to be "I Love a Clean San Diego Day" in the City of San Diego.

ITEM-37: The Dailey Method Day.

**COUNCILMEMBER KERSEY'S RECOMMENDATION:**

Proclaiming September 13, 2015, to be "The Dailey Method Day" in the City of San Diego.

ITEM-38: Continuing Education Center Day.

**COUNCILMEMBER KERSEY'S RECOMMENDATION:**

Proclaiming August 28, 2015, to be "Continuing Education Center 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: Ordinance amending San Diego Municipal Code Section 52.80.01 related to trespass on privately operated business premises.

**ITEM DESCRIPTION:**

This action is to approve an ordinance amending Chapter 5, Article 2, Division 00, Section 52.80.01, of the San Diego Municipal Code related to trespass on privately operated business premises.

**STAFF'S RECOMMENDATION:**

Introduce the following ordinance:

(O-2016-18)

Introduction of an Ordinance amending Chapter 5, Article 2, Division 00, of the San Diego Municipal Code by amending Section 52.80.01 relating to trespass and exceptions thereto.

**STAFF SUPPORTING INFORMATION(:**

**FISCAL CONSIDERATIONS:** N/A

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

This item was heard at the Public Safety and Livable Neighborhoods Committee meeting on September 23, 2015.

**ACTION:** Motion by Councilmember Gloria, second by Councilmember Cate, to recommend Council adopt the ordinance.

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

Ramirez/Chadwick

Primary Contact\Phone: D/Sgt. Dean M. Thomas\619-933-9381

Secondary\City Attorney Contact\Phone: Michelle A. Garland\619-507-5771

- \* ITEM-51: Third Amendment to Agreement with WLC Architects, Inc., for East Mission Valley, Fire Station No.45 (Formerly Fire Station No.2). (East Mission Valley Community Area. District 7.)

**ITEM DESCRIPTION:**

This Action is to approve the Third Amendment to the Agreement with WLC Architects, Inc., for the Fire Station No. 45 Project. This Amendment will add funds to cover those unanticipated cost associated with increases to the project scope in the amount of \$55,000. It will extend the Agreement an additional 3 years.

**STAFF'S RECOMMENDATION:**

Introduce the following ordinance:

(O-2016-7)

Introduction of an Ordinance authorizing the Mayor, or his designee, to execute the Third Amendment to the Agreement with WLC Architects, Inc., for professional architectural services on the Fire Station No. 45 Project under the terms and conditions set forth in the Agreement, together with any reasonably necessary modifications or amendments thereto which do not increase Project scope or cost and which the Mayor shall deem necessary from time to time in order to carry out the purposes and intent of this Project and Agreement;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$55,000 from CIP S-00688, Fire Station No. 45 Project, Fund No. 400135, MISSION VALLEY-URBAN, for the purpose of executing the Third Amendment to the Agreement with WLC Architects, Inc., contingent upon the Chief Financial Officer furnishing a certificate certifying that funds necessary for the expenditure are, or will be, on deposit with the City Treasurer.

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

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

The Original Agreement was for \$371,540; the First Amendment increased the Contract by \$302,710. This Second Amendment increased the Contract by \$175,750. This third Amendment will increase the Contract by \$55,000, and will bring the total Contract to \$905,000. Funds for this purpose are available in S-00688, Fire Station No. 45, Fund No. 400135, MISSION VALLEY-URBAN.

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

Council approved the Original Agreement with WLC Architects, Inc., on April 16, 2002 per RR-296360.

On February 1, 2005, a First Amendment to Agreement per RR-300104, was approved by Council.

On December 1, 2010, under item 2E, Natural Resources and Culture Committee approved the Second Amendment by consent.

On February 8, 2011, Council approved the Second Amendment to Agreement per OO-20022.

This item was heard at the Infrastructure Committee meeting on September 16, 2015, and was forwarded to the full Council with a recommendation to approve.

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

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

Gibson/Gomez

Primary Contact\Phone: Mark Nassar\619-533-6600, MS 908A

Secondary Contact\Phone: Elif Cetin\619-533-4640, MS 908A

City Attorney Contact: Rae, Christina L.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- \* ITEM-100: Authorization to execute a contract with Hawthorne Power Systems to provide technical services and parts for Caterpillar engine generators and switch gears for Wastewater Facilities in the Public Utilities Department. (Citywide.)

**ITEM DESCRIPTION:**

Authorization to execute a contract with Hawthorne Power Systems to provide technical services and parts for Caterpillar engine generators and electrical switch gears for Wastewater Facilities in the Public Utilities Department.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2016-61)

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City, an Agreement with Hawthorne Power Systems to provide technical services and parts for Caterpillar engine generators and electrical switch gears in an amount not to exceed \$1,728,141 for the first contract year with four (4) one (1) year options, for a total cumulative not to exceed \$8,417,647 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;

Authorizing the Chief Financial Officer to expend a cumulative amount not to exceed \$8,417,647, of which, \$8,175,647 is from the Metro Sewer Utility Fund 700001, \$231,750 is from the Municipal Sewer Fund 700000 and \$10,250 is from the Water Utility Operating Fund 700011, over the term of the contract of one (1) year and four (4) one (1) year options for the purpose of funding technical services and parts for Caterpillar engine generators and switch gears with the vendor Hawthorne Power Systems contingent upon the adoption of the Annual Appropriation Ordinance for the applicable fiscal year and contingent upon the Chief Financial Officer Furnishing one or more certificates certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

The total amount not to exceed for the Hawthorne Power Systems contract is \$8,417,647 for the term of the contract of one (1) year and four one (1) year options. Funds are, or will be, available in the amount of \$8,175,647 from the Metro Sewer Utility Fund 700001, \$231,750 from the Municipal Sewer Fund 700000 and \$10,250 from the Water Utility Operating Fund contingent upon the adoption of the Annual Appropriation Ordinance for the applicable fiscal year, and contingent upon the Chief Financial Officer furnishing one or more certificates certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasurer. Purchases to be made on an as-required basis.

Estimated expenditures are as follows:

Contract 1st Year:

Fiscal Year 2016

Not to exceed \$1,728,141 (Metro = \$1,679,741; Muni = \$46,350; Water = \$2,050)

Contract Option Years 1-4:

(Fiscal Years 2017 to 2020)

Not to exceed \$6,689,506 (Metro = \$6,495,906; Muni = \$185,400; Water = \$8,200)

Total not to exceed Contract: \$8,417,647 (Metro = \$8,175,647; Muni = \$231,750; Water = \$10,250)

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

This item was heard at the Environment Committee meeting on October 7, 2015.

**ACTION:** Motion by Councilmember Cate, second by Chair Alvarez, to recommend Council adopt the resolution.

**VOTE:** 3-0; Alvarez-yea, Gloria-yea, Cate-yea, Emerald-not present.

Jones-Santos/Gomez

Primary Contact\Phone: Cheryl Lester\858-292-6447, MS 903

Secondary Contact\Phone: Richard Snow\619-221-8321, MS 45

City Attorney Contact: Leone, Christine M.

- \* ITEM-101: Third Amendment to the contract with Mallory Safety and Supply, LLC.  
(Citywide.)

**ITEM DESCRIPTION**

The City of San Diego uses the Cooperative U.S. Communities Contract Participation Agreement with Mallory Safety and Supply, LLC, for procurement of specialized public safety, emergency preparedness, and related equipment. This action will authorize a one year extension and an increase to the current contract amount in order to continue procuring grant funded public safety equipment and supplies.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2016-182)

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City, a Third Amendment with Mallory Safety and Supply, LLC, for the use of U.S. Communities Contract No. 440001839 for an additional year, to provide procurement of specialized safety, emergency preparedness supplies, and related grant equipment;

Authorizing the Chief Financial Officer, or his designee, to expend an amount not to exceed \$2,500,000 in Fiscal Year 2016, for the purpose of executing the as needed Third Amendment with Mallory Safety and Supply, LLC, contingent upon grant funding being secured by executed grant agreements or non-grant funding being certified by the Chief Financial Officer for availability.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

The estimated amended cost is not to exceed \$2,500,000. This Contract does not obligate the City to procure goods and services. Purchase Orders are issued as needed. These purchases will be for grant related expenditures. However, these grants are reimbursable in nature requiring the City to expend funds prior to requesting reimbursement. Expenditures from the Office of Homeland Security will incur within the approved sponsored programs per executed Grant Agreements, Fund 600000 (Grant Fund-Federal) and then will be reimbursed from the corresponding Federal Grant Programs.

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

This item was heard at the Public Safety and Livable Neighborhoods Committee meeting on September 23, 2015, and forwarded to the full City Council with a recommendation to approve.

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

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

Resolution R-309173 dated August 11, 2014.

Resolution R-308282 dated July 2, 2013.

Valencia/Chadwick

Primary Contact\Phone: John Valencia\619-533-6763

Secondary Contact\Phone: Katherine Jackson\619-533-6761

City Attorney Contact: Brazier, Noah J.

\* ITEM-102: Property Rights Exchange Agreement for expansion of the La Jolla Country Club Reservoir & Pump Station. (La Jolla Community Area. District 1.)

**ITEM DESCRIPTION:**

This action is to approve a Property Rights Exchange Agreement between the City of San Diego (“City”) and Audrey Geisel and JPMorgan Chase Bank, N.A. (“Owner”), for purposes of expansion of the La Jolla Country Club Reservoir & Pump Station (“Project”). The Agreement will allow City to construct the Project improvements on land which currently has a deed restriction preventing construction activity. In exchange, City will deed to Owner a sliver of 1,049 square feet of Reservoir property, deemed non-essential to City’s Project. No funds will be exchanged in this transaction.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2016-168)

Authorizing the Mayor, or his designee, to execute, and take all actions necessary to administer, that certain Property Rights Exchange Agreement between the City of San Diego and Audrey Geisel and JPMorgan Chase Bank, N.A., under the terms and conditions set forth in the Property Rights Exchange Agreement.

**STAFF SUPPORTING INFORMATION:**

FISCAL CONSIDERATIONS: None.

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

Council Resolution No. R-309866 on July 21, 2015, authorized the City Attorney to commence proceedings in eminent domain and acquire an order for immediate possession of the fee interest of the expansion property necessary to accommodate the permanent physical improvements needed for the Project.

This item was heard at the Safe Growth and Land Use Committee meeting on September 23, 2015, and forwarded to the full Council with a recommendation to approve.

**ACTION:** Motion by Councilmember Sherman, second by Councilmember Zapf, to recommend Council adopt the resolution.

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

Thompson/Villa

Primary Contact\Phone: Barry Sloten\619-236-6724, MS 51A

Secondary Contact\Phone: April McCusker\619-236-6987, MS 51A

City Attorney Contact: Bevier, Debra J.

\* ITEM-103: Department of Justice Internet Crimes Against Children (ICAC) Task Force Grant Program.

**ITEM DESCRIPTION:**

Authorize the Police Department to apply for, accept, appropriate, and expend grant funds from the Department of Justice Internet Crimes Against Children (ICAC) Task Force Grant Program for the detection, arrest and prosecution of child predators who utilize the Internet to commit crimes against children. FY 2015 grant funds totaling \$363,337 will be used to offset personnel costs for Police Department, Sheriff Department and District Attorney staff assigned to the San Diego ICAC Task Force, as well as other related expenses, including overtime, training and travel, school safety presentations, and computer forensic tools and supplies for ICAC Task Force personnel.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2015-185)

Authorizing the Mayor, or his designee, to apply for and accept funding authorized by the United States Department of Justice (DOJ) Office of Juvenile Justice and Delinquency Prevention Internet Crimes Against Children (ICAC) Grant Program, including any amendments, extensions or renewals of the grant for a period of up to five years, provided funding is secured and made available;

Authorizing the Chief Financial Officer to appropriate and expend \$363,337 in initial grant funds authorized by the DOJ Office of Juvenile Justice and Delinquency Prevention Fiscal Year 2015 ICAC Grant Program (Grant 1000008, Fund 600000) and any additional funding that is secured and made available through amendments, extensions or renewals of the grant for a period of up to five years;

Authorizing the Chief Financial Officer to establish a special interest-bearing fund for the grant, if required;

Authorizing the Chief of Police to continue to administer and operate the ICAC Grant Program.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

All expenses resulting from this action are grant funded. There is no requirement for matching funds, and no requirement for continued expenditures or services once grant funding is terminated or depleted.

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

Resolution R-309822 was adopted on July 16, 2015, which authorized the Mayor to accept a grant extension through September 30, 2015, approved by the Department of Justice Internet Crimes Against Children (ICAC) Grant Program; and, the Chief Financial Officer to appropriate and expend grant funds totaling \$545,356.40, authorized by the Department of Justice ICAC Grant Program for the time period from when the authority of the original Resolution expired through the grant extension period.

Resolution R-305284 was adopted on October 14, 2009, which authorized the Chief Financial Officer to apply for, accept, and expend ICAC Grant Program funding for a period not to exceed five years.

Ramirez/Chadwick

Primary Contact\Phone: Tony Johnson\858-715-7120

Secondary Contact\Phone: Alejandra Castanares\619-531-2803

City Attorney Contact: Folkman, Paige E.

- \* ITEM-104: Authorizing application, acceptance and expenditure of grant funds from the State of California to Fund an Alcohol and Drug Impaired Driver Vertical Prosecution Program in the Criminal Division, Office of the City Attorney through 2020.

**ITEM DESCRIPTION:**

This action authorizes the application and acceptance of a grant from the State of California - Office of Traffic Safety in the amount of \$238,346 for the period October 1, 2015, through September 30, 2016, and further authorizes annual grant applications for the Program through 2020. The grants will be used to fund a Deputy City Attorney and a City Attorney Investigator for an Alcohol and Drug Impaired Driver Vertical Prosecution Program, for each year a grant is awarded.

**CITY ATTORNEY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2016-127)

Authorizing the City Attorney, or his designee, to apply for, accept, and take all necessary actions to secure a grant from the State of California - Office of Traffic Safety for an Alcohol and Drug Impaired Driver Vertical Prosecution Program (Program), for an amount not to exceed \$238,346, to fund a Deputy City Attorney and City Attorney Investigator in the Criminal Division of the San Diego City Attorney's Office, for the period October 1, 2015, to September 30, 2016, on the terms and conditions outlined in the Grant Agreement;

Authorizing the City Attorney to apply for, accept, and take all necessary actions to secure future grants from the State of California - Office of Traffic Safety for the Program for a period of five years through September 30, 2020;

Authorizing the Chief Financial Officer to accept, appropriate, and expend up to \$238,346 from Fund No. 600000 from grant funds for the Program for the period October 1, 2015, to September 30, 2016;

Authorizing the Chief Financial Officer to establish special interest bearing accounts for the grant funds for the Program, if required, and to accept, appropriate and expend all future grant funds, contingent upon the receipt of fully executed Agreement(s) with the State of California - Office of Traffic Safety;

Agreeing to indemnify, defend, and save harmless the State of California, its officers, agents, and employees, from any and all claims and losses resulting from the City's performance of the Agreement(s), as required by the terms of the Grant Agreements.

**SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

The grant of \$238,346 would fund the work of one Deputy City Attorney and One Criminal Division Investigator for the period of October 1, 2015, through September 30, 2016. Future grants, if awarded, would continue to fund the work on this program on an annual basis.

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

None for this item. The same grant was approved by City Council in 2014.

Bamberg/Nuesca

Primary Contact\Phone: Abby Salaiz\619-533-5868

Secondary Contact\Phone: Marlea Dell'Anno\619-533-5520

City Attorney Contact: Dugard, Prescilla

- \* ITEM-105: Settlement of sexual harassment and sex discrimination claims of Michelle Tyler and Katherine Ragazzino, Risk Management File No. 8732.

**ITEM DESCRIPTION:**

This is a complaint for alleged sexual harassment of Michelle Tyler and Katherine Ragazzino by former Mayor Bob Filner. The proposed settlement would resolve all claims against the City brought by Tyler and Ragazzino, including a related claim by the United States Department of Navy for reimbursement of medical services rendered to Michelle Tyler.

**CITY ATTORNEY'S RECOMMENDATION:**

Adopting the following resolution:

(R-2016-174 Cor. Copy) (Rev. 10/22/15)

Authorizing the Mayor, or his designee, to pay the sum of \$99,000 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, arising from the personal injury claim of *Michelle Tyler and Katherine Ragazzino vs. City of San Diego, et al.*, USDC Case Number 14cv01179 GPC (JLB);

Authorizing the Chief Financial Officer to appropriate and expend \$99,000 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 two checks totaling \$99,000, made payable to: (1) United States Treasurer in the amount of \$1,245.59; and (2) Michelle Tyler, Katherine Ragazzino, and their attorney, Carla DiMare, for \$97,754.41; however, should the United States abandon its claim for recovery of the \$1,245.59 for medical services rendered to Tyler, the entire \$99,000 shall be made payable to Michelle Tyler, Katherine Ragazzino, and their attorney, Carla DiMare. (Rev. 10/22/15)

**SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

Settlement in a total amount of \$99,000 will be paid from Public Liability Fund No. 720045.

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

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

Bamberg

Primary\City Attorney Contact\Phone: George F. Schaefer\619-533-5861

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

RESOLUTIONS:

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

ITEM-330: A Resolution of the City of San Diego to adopt a Vision Zero plan to eliminate traffic fatalities and serious injuries to zero in the next ten years. (Citywide.)

**ITEM DESCRIPTION:**

This action would approve the resolution supporting the Vision Zero plan in the City of San Diego which aims to reduce traffic related fatalities and serious injuries to zero in 10 years.

**COUNCILMEMBER KERSEY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2016-155)

Adopting a goal of eliminating traffic deaths and serious injuries by 2025;

Urging City staff from the Mayor's Office, Transportation and Stormwater Department, San Diego Police Department, and a representative of the City's Bicycle Advisory Committee to attend meetings of Circulate San Diego's Vision Zero Advisory Committee for a limited time to develop a traffic safety plan that will help the City reach the goal of zero traffic deaths and serious injuries;

Declaring that the traffic safety plan will be guided by innovative engineering solutions to improve road safety for all users, especially the most vulnerable; will measure and evaluate performance annually; and will include enforcement and education strategies to prevent the most dangerous behaviors that cause public harm, especially along the corridors where collisions are most frequent.

**SUPPORTING INFORMATION:**

FISCAL CONSIDERATIONS: N/A

**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 recommend Council adopt the resolution.

**VOTE:** 4-0; Kersey-yea, Zapf-yea, Cole-yea, Emerald-yea. (Rev. 10/21/15)

Bouteller

Primary Contact\Phone: Lee Friedman\619-236-7309

City Attorney Contact: Zeleny, Thomas C.

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

ITEM-331: Exclusive Negotiation Agreement with Cisterra Development - 7th & Market Site (bounded by Market Street and Seventh, Eighth and Island Avenues). (East Village Neighborhood of the Downtown Centre City Community Plan Area. District 3.)

**ITEM DESCRIPTION:**

Enter into Exclusive Negotiation Agreement (ENA) with Cisterra Development for the 7th and Market Site.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2016-150 Cor. Copy)

Approving an Exclusive Negotiation Agreement (ENA) with Cisterra Development for a proposed Mixed-Use Project at Seventh 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 deposit in the amount 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 Cisterra submit a \$100,000 good faith deposit to CivicSD/City that would be returned to Cisterra upon termination of the ENA if Cisterra has negotiated diligently and in good faith. It also requires that Cisterra submit a non-refundable, \$50,000 negotiation deposit related to negotiating and preparing the proposed ENA and Development and Disposition 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 Cisterra 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: Malcolm, Katherine A.

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-332: Market Street Square Purchase and Sale Agreement (606 Third Avenue). (Marina Neighborhood of the Downtown Community Plan Area. District 3.)

(Continued from the meeting of October 6, 2015, Item 333, at the request of Councilmember Gloria, for further review.)

**ITEM DESCRIPTION:**

Purchase and Sale Agreement for Market Street Square located at 606 Third Avenue.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2016-147 Cor. Copy) (Rev. 10/21/15)

Declaring that the Council finds and determines that all recitals set forth in this Resolution are true and correct and fully incorporated herein by this reference;

Declaring that the Council has received and heard any and all oral and written objections relating to the proposed Agreement, and all such oral and written objections are overruled;

Declaring that the Council finds and determines that the consideration to be received by the City for the sale of the Property is not less than fair reuse value at the use and with covenants and conditions required under the Agreement for, among other reasons, the reasons set forth in the Summary Report;

Declaring that the Council finds and determines that the sale of the Property in accordance with the Agreement will assist in providing housing for very low income households for, among other reasons, the reasons set forth in the Summary Report;

Approving the sale of the Property to the Purchaser in accordance with the Agreement;

Approving the Agreement, including all attachments and exhibits thereto;

Authorizing and directing the Mayor, or designee, to execute the Agreement, including all attachments and exhibits thereto requiring the City's signature;

Authoring and directing the Mayor, or designee, to sign all documents necessary and appropriate to carry out and implement the Agreement and to administer the City's obligations, responsibilities, and duties to be performed under the Agreement, including all attachments and exhibits thereto;

Authorizing the Chief Financial Officer, as delegated, to accept and deposit funds in the amount of \$15,570,000 in Low and Moderate Income Housing Asset Fund (LMIHF) 200708, Account No. 423016.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

An appraisal of the City's leased fee interest in the Property was completed on January 20, 2014. The appraisal concludes a value of \$15,570,000 assuming the affordable apartments remain in place.

Keyser Marston Associates (KMA), economic consultants to the City, undertook an in-depth financial analysis of the potential value associated with a potential future rezone of the Property for high-rise development. KMA concluded that the Year 2040 high-rise development land value (inclusive of the Affordable Restrictions) is not likely to exceed the value of the existing improvements in place at that time. Therefore, no upward adjustment in the proposed sales price of \$15,570,000 between the City and Developer is warranted (see Attachment B).

Net proceeds from the sale (\$15,570,000 less customary escrow closing costs) will be deposited into the Low and Moderate Income Housing Asset Fund (LMIHAF) to be used for affordable housing purposes in conformance with state law (Health & Safety Code Section 34176.1).

**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-333: Martinez Street Vacation, Project No. 417624. (Skyline-Paradise Hills Community Plan Area. District 4.)

**ITEM DESCRIPTION:**

The vacation of a 0.02-acre unimproved alley right-of-way, located between Reo Drive to the east and Calle Casas Bonitas to the west, adjacent to 5841 and 5845 Calle Casas Bonitas, within the Skyline-Paradise Hills Community Plan Area.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2016-172)

Adoption of a Resolution vacating a 0.02-acre unimproved alley located between Calle Casas Bonitas and Reo Drive, Right-of-Way Vacation No. 1467546, as more particularly described in the legal description marked as Exhibit "A" and shown on Drawing No. 38809-B, marked as Exhibit "B," which are by this reference incorporated herein and made a part hereof, is ordered vacated;

Directing Development Services Department shall record a certified copy of this Resolution with attached exhibits, attested by the City Clerk under seal, in the Office of the County Recorder.

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

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

None. All costs associated with this project are paid by the applicant through a deposit account.

**PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:** None.

Vacchi/Graham/pg

Primary Contact\Phone: Paul Godwin\619-446-5190, MS 501  
Secondary Contact\Phone: Renee Mezo\619-446-5001, MS 501  
City Attorney Contact: Thomas, Shannon

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

ITEM-334: Appeal of the Environmental Determination for SDUG Inc. MMCC, Project No. 373175. (Navajo Community Plan Area. District 7.)

**ITEM DESCRIPTION:**

Appeal of the Environmental Exemption Determination No. 373175.

**TODAY'S ACTION IS:**

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:

(1) By a majority vote, deny the appeal and certify the Environmental Impact Report; adopt the Findings and Statement of Overriding Consideration and Mitigation, Monitoring and Reporting Program; 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.

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

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

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

**PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:** None.

Vacchi/Graham/eg

Primary Contact\Phone: Edith Gutierrez\619-446-5147, MS 501

City Attorney Contact: Thomas, Shannon

**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 Environmental Determination for 1028 Buenos Avenue MMCC, Project No. 369290. (Linda Vista Community Plan Area. District 2.)

**ITEM DESCRIPTION:**

Appeal of the Environmental Exemption Determination No. 369290

**TODAY'S ACTION IS:**

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:

(1) By a majority vote, deny the appeal, approve the environmental determination that the project is exempt from CEQA pursuant to Guidelines Section 15303 (Existing Facilities); 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.

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

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

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

**PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:** None.

Vacchi\Graham\eg

Primary Contact\Phone: Edith Gutierrez\619-446-5147, MS 501

City Attorney Contact: Thomas, Shannon

PUBLIC NOTICES:

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-350: **Notice** of Pending Final Map Approval - 1020 Prospect Street.

Notice is hereby given that the City Engineer has reviewed and will approve on the date of this City Council meeting that certain final map entitled "1020 Prospect Street " (T.M. No. 476862, PTS No. 161514) project is located at 1020 Prospect Street in La Jolla Planned District 1(a) zone, Council District 1, a copy of which is available for public viewing at the office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 PM, 10 calendar days from the date of this City Council meeting stating briefly which of the above findings made by the City Land Surveyor was improper or incorrect and the basis for that conclusion. If you have questions about the map approval findings or need additional information about the map or your appeal rights, please feel free to contact Gregory P. Hopkins (619) 446-5291.

ITEM-351: **Notice** of Pending Final Map Approval - Del Sur Court.

Notice is hereby given that the City Engineer has reviewed and will approve on the date of this City Council meeting that certain final map entitled "Del Sur Court" (VT.M. No. 497492, PTS No. 415889) in the RM-2-6, O-19868 zone, within the Black Mountain Ranch, Council District 5, a copy of which is available for public viewing at the office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 PM, 10 calendar days from the date of this City Council meeting stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the map approval findings or need additional information about the map or your appeal rights, please feel free to contact Frederick R. LePage (619) 446-5434.

ITEM-352: Submission of Ballot Proposals for the June 7, 2016 Ballot.

**SUBMISSION OF BALLOT PROPOSALS  
FOR THE JUNE 7, 2016 BALLOT**

City Council Policy 000-21 establishes the procedure for submittal of ballot proposals. The Council Policy states that members of the public shall submit proposals to the City Clerk, who shall then transmit them promptly to Committee for review and comment. The proposals must be submitted in time to allow the City Clerk to list on the Council Docket, prior to the election, the ballot proposals which have been referred to Council following Committee review.

Therefore, the City Clerk has established the following administrative guidelines for the June 7, 2016, election.

<u>DAY</u>	<u>DATE</u>	<u>DAYS BEFORE ELECTION</u>	<u>EVENT</u>
Tuesday	1/5/16	154	LAST DATE (5:00 p.m.) for public, departments and agencies to submit ballot proposals to City Clerk for review by Committee
Wednesday	1/13/16	146	Committee review
Monday	1/25/16	134	Council Docket (PUBLIC NOTICE) lists proposals referred by Committee
Monday	2/1/16	127	Council to discuss propositions and direct City Attorney to prepare ordinances placing measures on the ballot
Monday	2/22/16	106	Council adopts ordinances prepared by City Attorney
Friday	3/11/16	88	Last day for City Clerk to file with Registrar of Voters all elections material
Thursday	3/24/16	75	Last day to file ballot arguments with City Clerk

If you have questions, please contact the Office of the City Clerk at (619) 533-4000.

**This calendar is a draft and will not be final until the 2016 Legislative Calendar is approved by Council.**

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT