

CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, DECEMBER 4, 2012
AT 10:00 AM
IN THE COUNCIL CHAMBERS – 12TH FLOOR

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CHRONOLOGY OF THE MEETING:

The meeting was called to order by Council President Gloria at 10:07 a.m. Council President Gloria recessed the meeting at 11:05 a.m. for the purpose of a break. Council President Gloria reconvened the meeting at 11:58 a.m. Council President Gloria adjourned the meeting at 12:00 p.m. for the noon recess and thereafter reconvened the meeting at 2:00 p.m.

The meeting was reconvened by Council President Gloria at 2:03 p.m. with all Councilmembers present. The regular meeting was recessed by Council President Gloria 5:40 p.m. to convene the Housing Authority meeting. Council President Gloria reconvened the regular meeting at 5:41 p.m. with all Councilmembers present. The meeting was adjourned by Council President Young at 5:40 p.m.

ATTENDANCE DURING THE MEETING:

PRESENT:

CD-1 Councilmember Sherri Lightner
 CD-2 Council President Pro Tem Kevin Faulconer
 CD-3 Council President Todd Gloria
 CD-4 Councilmember Tony Young
 CD-5 Councilmember Mark Kersey
 CD-6 Councilmember Lorie Zapf
 CD-7 Councilmember Scott Sherman
 CD-8 Councilmember David Alvarez
 CD-9 Councilmember Marti Emerald

ABSENT:

None.

CITY CLERK:

Maland (jis/mz)

ROLL CALL:

Clerk Maland called the roll:

- (1) Councilmember Lightner-present
- (2) Council President Pro Tem Faulconer-present
- (3) Council President Gloria-present
- (4) Councilmember Young-present
- (5) Councilmember Mark Kersey present
- (6) Councilmember Zapf-present
- (7) Councilmember Scott Sherman-present
- (8) Councilmember Alvarez-present
- (9) Councilmember Marti Emerald-present

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by Councilmember Young.

APPROVAL OF COUNCIL MINUTES:

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

APPROVED

11/05/2012 - Adjourned
11/06/2012 – Adjourned

COUNCIL ACTION: Start Time: 10:08 AM

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

ITEM-30: Reggie Smith Day.

PRESENTED BY COUNCILMEMBER GLORIA AND COUNCILMEMBER ZAPF:

APPROVED

Proclaiming the day of November 28, 2012, to be “Reggie Smith Day” in the City of San Diego.

COUNCIL ACTION: Start Time: 10:09 AM

ITEM-31: Ruben Barrales Day.

PRESENTED BY COUNCILMEMBER ALVAREZ:

APPROVED

Proclaiming December 4, 2012, to be "Ruben Barrales Day" in the City of San Diego.

COUNCIL ACTION: Start Time: 10:14 AM

ITEM-32: Northgate Gonzalez Market Mercado Day.

PRESENTED BY COUNCILMEMBER ALVAREZ:

APPROVED

Proclaiming December 12, 2012, to be "Northgate Gonzalez Market Mercado Day" in the City of San Diego.

COUNCIL ACTION: Start Time: 10:21 AM

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

ITEM-33: The 100th Anniversary of Boy Scout Troop 4 - La Jolla.

COUNCILMEMBER LIGHTNER'S RECOMMENDATION:

APPROVED

Proclaiming November 24, 2012, to be "Boy Scout Troop 4 - La Jolla Day" in the City of San Diego.

COUNCIL ACTION: Start Time: 10:24 AM

SPECIAL ORDERS OF BUSINESS:

None.

NON-AGENDA PUBLIC COMMENT:

PUBLIC COMMENT-1:

Lane Sharman and Jamie Edmonds commented on Community Choice Energy.

COUNCIL ACTION: Start Time: 10:55 AM

PUBLIC COMMENT-2:

Izean Rim commented on public safety.

COUNCIL ACTION: Start Time: 10:59 AM

PUBLIC COMMENT-3:

Richard Pearson commented on meeting with the Mayor and Kevin Faulconer.

COUNCIL ACTION: Start Time: 11:02 AM

PUBLIC COMMENT-4:

Gary Hill commented on Joe Hill.

COUNCIL ACTION: Start Time: 11:05 AM

PUBLIC COMMENT-5:

Hud Collins commented on City finances..

COUNCIL ACTION: Start Time: 2:04 PM

PUBLIC COMMENT-6:

Jarvis Ross comments on looking ahead

COUNCIL ACTION: Start Time: 2:08 PM

PUBLIC COMMENT-7:

Steven Greenwald comments on the war on drugs.

COUNCIL ACTION: Start Time: 2:11 PM

PUBLIC COMMENT-8:

Kevin Swanson commented on the year 2015.

COUNCIL ACTION: Start Time: 2:15 PM

PUBLIC COMMENT-9:

Mark Anthony Harrison commented on tickets.

COUNCIL ACTION: Start Time: 2:17 PM

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

COUNCIL COMMENT-1:

Councilmember Lightner requested that the Mayor's Office bring the Sustainable Energy Expedite Policy back to Council before the end of the year.

COUNCIL ACTION: Start Time: 2:21 PM

[ITEM-50: Property Value Protection Ordinance. \(Citywide.\)](#)

ITEM DESCRIPTION:

Adoption of proposed Property Value Protection Ordinance.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced as amended on 11/13/2012, Item 338. (Council voted 5-3. Council President Pro Tem Faulconer, Councilmember DeMaio, and Councilmember Zapf voted nay):

(O-2013-38 Rev.) ADOPTED AS ORDINANCE O-20228 (New Series)

Amending Chapter 5, Article 4, of the San Diego Municipal Code, by adding a new title of "Registration of Defaulted or Foreclosed Residential Properties," of Division 11; and by adding Sections 54.1101, 54.1102, 54.1103, 54.1104, 54.1105, 54.1106, 54.1107, 54.1108, 54.1109, 54.1110, 54.1111, 54.1112, 54.1113, and 54.1114; all relating to the requirement for lenders to register defaulted and foreclosed residential properties;

This ordinance amends Chapter 5, Article 4, of the San Diego Municipal Code, by adding Article 4, Division 11, to require beneficiaries or trustees who: (1) hold an interest in deeds of trust for defaulted residential properties; or (2) hold title to a residential property as a result of a foreclosure sale or deed in lieu of foreclosure, to register the properties with the City of San Diego and provide current accurate contact information to Code Enforcement personnel. This ordinance also requires the payment of a registration fee to the City to cover the costs of the creation and maintenance of properties registered with the City and the costs of monitoring, inspecting, and investigating the registered properties. This ordinance also authorizes the assessment of administrative civil penalties for failure to comply with the registration requirements.

COUNCIL ACTION: Start Time: 10:36 AM

MOTION BY DAVID ALVAREZ TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Marti Emerald.

Passed by the following vote:

Yea: Sherri Lightner, Todd Gloria, Tony Young, David Alvarez, Marti Emerald;

Nay: Kevin Faulconer, Mark Kersey, Lorie Zapf, Scott Sherman;

Recused: (None);

Not Present: (None).

[* ITEM-51: Exempt One Program Manager Position from Classified Service in the Environmental Services Department.](#)

ITEM DESCRIPTION:

Authorize the Ordinance exempting one position in the Environmental Services Department from the Classified Service as approved by the Civil Service Commission on November 1, 2012.

STAFF'S RECOMMENDATION:

Introduce the following ordinance:

(O-2013-50) INTRODUCED, TO BE ADOPTED TUESDAY, JANUARY 8, 2013

Introduction of an Ordinance declaring that pursuant to Charter Section 117(a)(17), the Environmental Services Department initiated advisory review and comment from the Civil Service Commission relating to the proposed exemption of one Program Manager position from the Classified Service, and the Civil Service Commission reviewed the proposed exemption on October 26, 2012, and commented favorably upon it, as meeting Charter criteria for placement of the Program Manager position in the Unclassified Service. Having considered and reviewed the finding of the Civil Service Commission, as set forth in the Memorandum to the Honorable Council President and City Council, from Hadi Deghani, Personnel Director, on behalf of the Civil Service Commission, dated November 2, 2012, Attachment A, and fully incorporated into this Ordinance by its reference, the Council now exempts from the Classified Service one Program Manager position in the Environmental Services Department, performing the duties described in the November 2, 2012, Memorandum, and declares the Program Manager position to be in the Unclassified Service.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

Personnel expenditures associated with this position were included in Environmental Services Department's successful employee bid.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: None.

Gonaver/Goldstone

Primary Contact\Phone: Stephen Greal\858-573-1275, MS 1103A

Secondary Contact\Phone: Meghan Cannis\858-492-5009, MS 1103B

City Attorney Contact: Dawson, Joan F.

COUNCIL ACTION: Start Time: 10:34 AM

CONSENT MOTION BY DAVID ALVAREZ TO INTRODUCE. Second by Kevin Faulconer.

Passed by the following vote:

Yea: Sherri Lightner, Kevin Faulconer, Todd Gloria, Tony Young, Mark Kersey, Lorie Zapf, Scott Sherman, David Alvarez, Marti Emerald;

Nay: (None);

Recused: (None);

Not Present: (None).

[* ITEM-52: Ordinance Amendment changing membership and quorum requirements for the Commission on Gang Prevention and Intervention.](#)

ITEM DESCRIPTION:

An Ordinance to amend San Diego Municipal Code Chapter 2, Article 6, Division 19, related to membership and quorum requirements for the Commission on Gang Prevention and Intervention.

STAFF'S RECOMMENDATION:

Introduce the following ordinance:

(O-2013-54) INTRODUCED, TO BE ADOPTED TUESDAY, JANUARY 8, 2013

Introduction of an Ordinance amending Chapter 2, Article 6, Division 19, of the San Diego Municipal Code, by amending Section 26.1902, relating to Membership and Quorum Requirements for the Commission on Gang Prevention and Intervention;

This ordinance amends San Diego Municipal Code Chapter 2, Article 6, Division 19, to define a quorum as a majority of filled positions, changes the President of the Workforce Partnership and the CEO of SANDAG from appointment members to officeholder members, adds a member nominated from the newly created Ninth Council District, and removes the Division of Adult Parole Operations Administrator and the Superintendent of the County Office of Education from the membership, for a total of twenty (20) members. It also exempts officeholders from any residency restrictions, and makes minor clean-up changes to Section 26.1902.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS: N/A

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: N/A

Fischle-Faulk/Goldstone

Primary Contact\Phone: Lynn Sharpe Underwood\619-533-4873

Secondary Contact\Phone: Debra Fischle-Faulk\619-533-6387

City Attorney Contact: Nuesca, Mary T.

COUNCIL ACTION: Start Time: 10:34 AM

CONSENT MOTION BY DAVID ALVAREZ TO INTRODUCE. Second by Kevin Faulconer.

Passed by the following vote:

Yea: Sherri Lightner, Kevin Faulconer, Todd Gloria, Tony Young, Mark Kersey, Lorie Zapf, Scott Sherman, David Alvarez, Marti Emerald;

Nay: (None);

Recused: (None);

Not Present: (None).

[* ITEM-53: Request to Exempt One Position from Classified Service in the Street Division of the Transportation and Storm Water Department.](#)

ITEM DESCRIPTION:

Authorizing an ordinance exempting one position in the Street Division of the Transportation and Storm Water Department from Classified Service.

STAFF'S RECOMMENDATION:

Introduce the following ordinance:

(O-2013-47) INTRODUCED, TO BE ADOPTED TUESDAY, JANUARY 8, 2013

Introduction of an Ordinance declaring that pursuant to Charter Section 117(a)(17), the Transportation and Storm Water Department initiated advisory review and comment from the Civil Service Commission relating to the proposed exemption of one Program Manager position from the Classified Service, and the Civil Service Commission reviewed the proposed exemption on August 23, 2012, and commented favorably upon it, as meeting Charter criteria for placement of the Program Manager position in the Unclassified Service. Having considered and reviewed the finding of the Civil Service Commission, as set forth in the Memorandum to the Honorable

Council President and City Council, from Hadi Deghani, Personnel Director, on behalf of the Civil Service Commission, dated August 31, 2012, Attachment A, and fully incorporated into this Ordinance by its reference, the Council now exempts from the Classified Service one Program Manager position in the Transportation and Storm Water Department, performing the duties described in the August 31, 2012, Memorandum, and declares the Program Manager position to be in the Unclassified Service.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

This new unclassified position's annual cost of \$114,000 will be funded by the Operating Budget of Street Division. The \$57,000 is expected to be the cost of funding this position through the rest of Fiscal Year 2013.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: None.

Sturdevan/Goldstone

Primary Contact\Phone: Hasan Yousef\619-527-7504, MS 44
Secondary Contact\Phone: Elsa Lopez\619-527-7522, MS 44
City Attorney Contact: Dawson, Joan F.

COUNCIL ACTION: Start Time: 10:34 AM

CONSENT MOTION BY DAVID ALVAREZ TO INTRODUCE. Second by Kevin Faulconer.

Passed by the following vote:

Yea: Sherri Lightner, Kevin Faulconer, Todd Gloria, Tony Young, Mark Kersey, Lorie Zapf, Scott Sherman, David Alvarez, Marti Emerald;

Nay: (None);

Recused: (None);

Not Present: (None).

[* ITEM-54: Replacement of the West Mission Bay Drive Bridge over San Diego River Project \(Bridge No. 57C-0023\) – Authorize Fourth Amendment to the Consultant Agreement. \(Mission Bay Park, Midway-Pacific Highway Corridor, and Peninsula Community Areas, Districts 2 and 6.\)](#)

ITEM DESCRIPTION:

This Council action will authorize the expenditure of funds for T.Y. Lin International to prepare the final design of the preferred alternative for the West Mission Bay Drive Bridge over San Diego River.

STAFF'S RECOMMENDATION:

Introduce the following ordinance:

(O-2012-114) INTRODUCED, TO BE ADOPTED TUESDAY, JANUARY 8, 2013

Introduction of an Ordinance authorizing the Mayor, or his designee, to execute, for and on behalf of the City, a Fourth Amendment to the Consultant Agreement for the West Mission Bay Drive Bridge over San Diego River Project - Bridge No. 57C-0023 (Project) with T.Y. Lin International for design services in an amount not to exceed \$3,428,442 under the terms and conditions set forth in the First Amendment to the Agreement, 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 transfer \$540,000 from CIP S-00877, Torrey Pines Slope Restoration, to CIP S-00871, Replacement of the West Mission Bay Drive Bridge over San Diego River Project within Fund No. 400169, TransNet;

Authorizing the Chief Financial Officer to transfer \$500,000 from CIP S-00946, Rose Creek Bikeway, to CIP S-00871, Replacement of the West Mission Bay Drive Bridge over San Diego River Project within Fund No. 400677, TransNet;

Authorizing the expenditure of an amount not to exceed \$3,428,442 from CIP S-00871, Replacement of the West Mission Bay Drive Bridge over San Diego River Project, of which \$2,742,754 is available from Fund No. 600000, Federal, Grant Fund No. 1000174-2006, and \$685,688 is available from Fund No. 400169 TransNet, for the purpose of executing this Amendment to the Agreement, contingent upon the City Comptroller first certifying that funds are available providing funds necessary for the 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 funds, if any, to the appropriate reserves.

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

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

This project was identified in Fiscal Year 2011, carrying the available TransNet funds which were used for the paving contracts. The transfer of the TransNet funds back into this project is now

needed in order to fund this action for PS&E (Plans, Specifications, and Estimates). These funds are available in the amount of \$500,000 from CIP S-00946, Rose Creek Bikeway and \$540,000 from CIP S-00877, Torrey Pines Slope Restoration Projects, Fund No. 400169. The total fee for providing engineering services under this Amendment is \$3,428,442. Funds for this action are available in CIP S-00871, West Mission Bay Drive Bridge over San Diego River, Fund No. 600000, Federal, \$2,742,754, and Fund No. 400169, TransNet, \$685,688.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

- Original Consultant Agreement, Resolution No. R-293189 on May 30, 2000.
 - First Amendment to Consultant Agreement, Resolution No. R-296990 on September 3, 2002.
 - Accepted Federal Funds, Resolution No. R-301872 on September 19, 2006.
 - Second Amendment to Consultant Agreement, Ordinance No. O-19784 on September 16, 2008.
 - Third Amendment to Consultant Agreement, Ordinance No. O-20119 on January 10, 2012.
- The Amendment was presented and approved at the Land Use and Housing Committee meeting on May 9, 2012.

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

Heinrichs

Primary Contact\Phone: Marnell Gibson\619-533-5213, MS 908A
 Secondary Contact\Phone: Abi Palaseyed\619-533-4654, MS 908A
 City Attorney Contact: Kohut, Ryan P.

COUNCIL ACTION: Start Time: 10:34 AM

CONSENT MOTION BY DAVID ALVAREZ TO INTRODUCE. Second by Kevin Faulconer.

Passed by the following vote:

Yea: Sherri Lightner, Kevin Faulconer, Todd Gloria, Tony Young, Mark Kersey, Lorie Zapf, Scott Sherman, David Alvarez, Marti Emerald;

Nay:

Recused: (None);

Not Present: (None).

[* ITEM-100: Cooperative Agreement with Caltrans to relinquish Right-of-Way at Roselle Street - Project No. 270425. \(Torrey Pines Community Area, District 1.\)](#)

ITEM DESCRIPTION:

A Cooperative Agreement whereby Caltrans will relinquish to the City at no cost a small segment of Interstate 5 right-of-way for the installation of a traffic signal at Roselle Street.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2013-356) ADOPTED AS RESOLUTION R-307906

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City, the Relinquishment Agreement, under the terms and conditions set forth in the Relinquishment Agreement.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

All costs are recovered through a deposit account funded by the developer.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: None.

Westlake/Goldstone

Primary Contact\Phone: Jeff Strohminger\619-557-7920
 Secondary Contact\Phone: Greg Hopkins\619-446-5291
 City Attorney Contact: Vonblum, Heidi K.

COUNCIL ACTION: Start Time: 10:34 AM

CONSENT MOTION BY DAVID ALVAREZ TO ADOPT. Second by Kevin Faulconer.

Passed by the following vote:

Yea: Sherri Lightner, Kevin Faulconer, Todd Gloria, Tony Young, Mark Kersey, Lorie Zapf, Scott Sherman, David Alvarez, Marti Emerald;

Nay: (None);

Recused: (None);

Not Present: (None).

[* ITEM-101: Safe Routes to School \(SR2S\) - 10th Cycle - Olive Street and Fairmount - Pop-outs. \(City Heights Community Area, District 9.\) \(Rev. 11/29/12\)](#)

ITEM DESCRIPTION:

This action is to approve the appropriation and expenditure of grant funding from the State of California Department of Transportation under the Safe Routes to School Program. The funding would be used for the purpose of safety improvements on Fairmount Avenue between Columbine Street and Quince Street.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2013-341) ADOPTED AS RESOLUTION R-307907

Authorizing the Chief Financial Officer to accept, appropriate, and expend an amount not to exceed \$340,800 from Caltrans, if grant funding is secured;

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

Authorizing the Chief Financial Officer to increase the Capital Improvements Program Budget in WBS No. A-IK.00002, School Traffic Safety Improvements, and to appropriate and expend an amount not to exceed \$340,800, Fund 600001, Grant No. 1000384-2013, for the purpose of constructing pop-outs, pedestrian ramps, and V-calms signs on Fairmount Avenue between Columbine Street and Quince Street and installing "share the road" signs on Fairmount Avenue, contingent upon receipt of a fully executed Agreement;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$80,000, Fund 400169, TransNet, WBS No. A-IK.00002, School Traffic Safety Improvements; \$30,000 in Fiscal Year 2013 and \$50,000 in Fiscal Year 2014, contingent upon approval of the Appropriation Ordinance for the purpose of the grant match and funding being included in the budget and provided that the Chief Financial Officer certifies that the funds are, or will be, on deposit in the City Treasury.

STAFF SUPPORTING INFORMATION:**FISCAL CONSIDERATIONS:**

This action will authorize the acceptance of a grant in the amount of \$340,800 through the Safe Route to School Program. There is a grant match of \$80,000, of which \$30,000 is available in Fiscal Year 2013 and \$50,000 in Fiscal Year 2014, both from A-IK.00002, School Traffic Safety Improvements.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: N/A

Sturdevan/Goldstone

Primary Contact\Phone: Julio Fuentes\619-533-3092, MS 608
Secondary Contact\Phone: Linda Marabian\619-533-3082, MS 608
City Attorney Contact: Malcolm, Katherine Anne

COUNCIL ACTION: Start Time: 10:34 AM

CONSENT MOTION BY DAVID ALVAREZ TO ADOPT. Second by Kevin Faulconer.

Passed by the following vote:

Yea: Sherri Lightner, Kevin Faulconer, Todd Gloria, Tony Young, Mark Kersey, Lorie Zapf, Scott Sherman, David Alvarez, Marti Emerald;

Nay: (None);

Recused: (None);

Not Present: (None).

[* ITEM-102: Authorization of Appropriation Transfers to Saturn Boulevard Roadway Improvements. \(Nestor Community Area, District 8.\)](#)

ITEM DESCRIPTION:

This action is a request for authorization to transfer appropriations to the Saturn Boulevard Roadway Improvements project, which will provide a sidewalk and full roadway width on the west side of Saturn Boulevard from Coronado Avenue to Grove Avenue.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2013-195) ADOPTED AS RESOLUTION R-307908

Authorizing the Chief Financial Officer to transfer the amount of \$923,586 from CIP L-00011, SR2S Sidewalk Projects Grant No. 2, of which \$445,720 is in Fund 600001, State Grant Fund 1000309-2010, and \$477,866 is in Fund 400169, TransNet Extension, to CIP S-11028, Saturn Boulevard Roadway Improvements;

Authorizing the Chief Financial Officer to close CIP L-00011, SR2S Sidewalk Projects Grant No. 2.

STAFF SUPPORTING INFORMATION:**FISCAL CONSIDERATIONS:**

This action will authorize the total appropriation transfer of \$923,586 from the SR2S Sidewalk Project Grant No. 2 (L-00011) project to Saturn Boulevard Roadway Improvements project (S-11028) to consolidate funding within one project. Total project cost is \$1,673,586.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

Resolutions R-306007, dated June 22, 2010 and R-307150, dated November 15, 2011.

This item was heard at the Land Use and Housing Committee meeting on September 13, 2012.

ACTION: Motion by Councilmember Alvarez, second by Councilmember Gloria, to approve with the request for staff to provide in writing the timeframe for construction of the project and notification process for school and community surrounding the project location.

VOTE: 3-0; Zapf-yea, Gloria-yea, Alvarez-yea, Lightner-not present.

Sturdevan/Goldstone

Primary Contact\Phone: Julio Fuentes\619-533-3092, MS 609

Secondary Contact\Phone: Linda Marabian\619-533-3082, MS 609

City Attorney Contact: Kohut, Ryan P.

COUNCIL ACTION: Start Time: 10:34 AM

CONSENT MOTION BY DAVID ALVAREZ TO ADOPT. Second by Kevin Faulconer.

Passed by the following vote:

Yea: Sherri Lightner, Kevin Faulconer, Todd Gloria, Tony Young, Mark Kersey, Lorie Zapf, Scott Sherman, David Alvarez, Marti Emerald;

Nay: (None);

Recused: (None);

Not Present: (None).

*** ITEM-103: Library Department National Endowment for the Humanities Grants.**

ITEM DESCRIPTION:

This action is to authorize the Library Department to apply for, accept and expend a grant award of \$2,500 in Fiscal Year 2013 from the National Endowment for the Humanities (NEH) for the America's Music library program. The \$2,500 grant is intended to help cover workshop expenses and to support "America's Music" programming system wide. This action also requests approval to apply for, accept and expend grant awards from NEH and NEH state partners in Fiscal Year 2013 through Fiscal Year 2018.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2013-298) ADOPTED AS RESOLUTION R-307909

Authorizing the Mayor, or his designee, to apply for, accept, appropriate, and expend a grant award of \$2,500 in Fiscal Year 2013 from the National Endowment for the Humanities (NEH) for the purpose of presenting the program, "America's Music: A Film History of Our Popular Music from Blues to Bluegrass to Broadway," and to execute all grant agreements necessary to comply with the grant requirements and take all actions necessary to secure the grant funding;

Authorizing the Chief Financial Officer to accept, appropriate, and expend up to \$2,500 of the America's Music grant funding;

Authorizing the Chief Financial Officer to establish a special interest-bearing account for the NEH America's Music grant for FY 2013;

Authorizing the Mayor, or his designee, to apply for, accept, appropriate, and expend one or more grant awards not exceeding \$200,000 each from NEH or its state partners to support Library programs and services in Fiscal Year 2013 through Fiscal Year 2018 (the NEH Grants), and to execute all grant agreements necessary to comply with the grant requirements and take all actions necessary to secure the grant funding;

Authorizing the Chief Financial Officer to accept, appropriate, and expend up to the full amount of any NEH Grants received in Fiscal Year 2013 through Fiscal Year 2018;

Authorizing the Chief Financial Officer to establish a special interest-bearing account for any NEH Grants received in Fiscal Year 2013 through Fiscal Year 2018.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

There is no match requirement for the \$2,500 grant. Upon receipt of future grant awards, grant funds may be matched through in-kind contributions of employee salaries and budgeted services, supplies and equipment. Any required match for Library Department National Endowment for the Humanities (NEH), or NEH state partner funded programs or services will be within the approved City General Fund Budget Appropriation for Fiscal Year 2013 through Fiscal Year 2018.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

Resolution R-2012-384; Resolution R-307288. In March 2012, Council authorized a grant award from an NEH state Partner, California Council for the Humanities. California Council for the Humanities recently changed its name to Cal Humanities.

Barrow/Hill

Primary Contact\Phone: Deborah Barrow\619-236-5843
 Secondary Contact\Phone: Stephanie Gilbert\619-236-5889
 City Attorney Contact: Gleeson, Carrie L.

COUNCIL ACTION: Start Time: 10:34 AM

CONSENT MOTION BY DAVID ALVAREZ TO ADOPT. Second by Kevin Faulconer.

Passed by the following vote:

Yea: Sherri Lightner, Kevin Faulconer, Todd Gloria, Tony Young, Mark Kersey, Lorie Zapf, Scott Sherman, David Alvarez, Marti Emerald;
 Nay: (None);
 Recused: (None);
 Not Present: (None).

[* ITEM-104: Approving the release of monument bonds associated with various subdivision maps located throughout the City of San Diego.](#)

ITEM DESCRIPTION:

Approve the release of thirteen (13) monumentation bonds associated with various final and parcel maps back to the subdividers.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2013-336) ADOPTED AS RESOLUTION R-307910

Declaring by the City Council of the City of San Diego as follows:

The monuments for the following maps have been set to the satisfaction of the City Engineer and payment of the land surveyor or engineer has been confirmed with the exception of seven APEC maps shown. Both the depositor and the Development Services Department have twice attempted to contact the surveyor of work (Mr. William Gregory Clarke) for these maps through certified mail to ascertain whether he was paid for his services. Although the certified mail return receipt indicates Mr. Clarke received and signed for such correspondence, he has not responded. Development Services is requesting that the City Council authorize the release of the bonds pursuant to Section 66497 of the SMA to the associated depositors listed below:

<u>Depositor</u>	<u>Map Number</u>	<u>Engineer</u>	<u>W.O. No.</u>	<u>Bond Amount</u>
Pardee	7988	APEC	70411	\$1,500
Pardee	12215	APEC	861034	\$2,000
Pardee	12996	Rick Engineering Company	881173	\$4,000
Pardee	12216	APEC	870461	\$2,000
Pardee	12998	APEC	881170	\$3,000
Pardee	13040	APEC	881168	\$5,500
Pardee	13041	APEC	881162	\$6,500
Pardee	13192	APEC	940424	\$5,000
Arch Insurance Company	15165	Rick Engineering Company	422300	\$6,500
Pardee Homes	15678	Project Design Consultants	428013	\$20,000
Safeway Inc.	20900	Latitude 33	24001150	\$3,800
Pardee Homes	15686	Project Design Consultants	428086	\$35,000
Pardee Homes Associates	14882	Snipes-Dye	950604	\$17,800

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

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS: None.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: None.

Westlake/Goldstone

Primary Contact\Phone: Greg Hopkins\619-446-5291, MS 501
 Secondary Contact\Phone: Donna Trask\619-557-7911, MS 302
 City Attorney Contact: Neuffer, Corrine

COUNCIL ACTION: Start Time: 10:34 AM

CONSENT MOTION BY DAVID ALVAREZ TO ADOPT. Second by Kevin Faulconer.

Passed by the following vote:

Yea: Sherri Lightner, Kevin Faulconer, Todd Gloria, Tony Young, Mark Kersey, Lorie Zapf, Scott Sherman, David Alvarez, Marti Emerald;
 Nay: (None);
 Recused: (None);
 Not Present: (None).

* ITEM-105: California State Library Services and Technology Act (LSTA) Grants for the Library Department.

ITEM DESCRIPTION:

This action is to authorize the Library Department to apply for, accept and expend California State Library, Library Science and Technology Act grant awards for Library programs and services beginning in Fiscal Year 2013 through Fiscal Year 2018, in amounts not to exceed \$200,000 per year, per grant.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2013-346) ADOPTED AS RESOLUTION R-307911

Authorizing the Mayor, or his designee, to apply for, accept, appropriate, and expend one or more grant awards not exceeding \$200,000 per fiscal year and per grant from the California State Library's Library Services and Technology Act grants to support Library programs and services in Fiscal Year 2013 through Fiscal Year 2018 (the LSTA grants), and to execute all grant agreements necessary to comply with the grant requirements and take all actions necessary to secure the grant funding;

Authorizing the Chief Financial Officer to accept, appropriate, and expend up to the full amount of any LSTA grants received in Fiscal Year 2013 through Fiscal Year 2018;

Authorizing the Chief Financial Officer to establish separate interest-bearing account for any LSTA grants received in Fiscal Year 2013 through Fiscal Year 2018.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

Upon receipt of grant awards, grant funds may be matched through in-kind contributions of employee salaries and budgeted services, supplies and equipment. Any required match for Library Department LSTA funded programs or services will be within the approved City General Fund Budget Appropriation for Fiscal Year 2013 through Fiscal Year 2018.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

Resolution R-303161, adopted on November 20, 2007, to approve LSTA grant funds from the California State Library in Fiscal Year 2008 for the purpose of implementing two Early Learning with Families Projects, the Intergrating Instructional Technology via WebQuests Program and any other library programs approved for future LSTA funding by the State Library in Fiscal Year 2008 through 2012 where LSTA grant funds do not exceed \$200,000 per grant.

Barrow/Hill

Primary Contact\Phone: Deborah Barrow\619-236-5843
 Secondary Contact\Phone: Stephanie Gilbert\619-236-5889
 City Attorney Contact: Gleeson, Carrie L.

COUNCIL ACTION: Start Time: 10:34 AM

CONSENT MOTION BY DAVID ALVAREZ TO ADOPT. Second by Kevin Faulconer.

Passed by the following vote:

Yea: Sherri Lightner, Kevin Faulconer, Todd Gloria, Tony Young, Mark Kersey, Lorie Zapf, Scott Sherman, David Alvarez, Marti Emerald;
 Nay: (None);
 Recused: (None);
 Not Present: (None).

* ITEM-106: Grant Funding for Bridge Preventative Maintenance Program. (Citywide.)

ITEM DESCRIPTION:

This action is to accept federal funds for the Bridge Preventative Maintenance Program through the State Department of Transportation (Caltrans). The objective of the bridge program is to identify effective preventative maintenance measures and a preventative maintenance routine to extend the life of all vehicular bridges that are locally maintained.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2013-340) ADOPTED AS RESOLUTION R-307912

Authorizing the Chief Financial Officer to accept two Program Supplement Agreements from Caltrans and to take all necessary actions to secure funding in the amount of \$34,844 in State Funds, federally awarded for the Bridge Preventative Maintenance on various off-system and on-system bridges;

Authorizing the Chief Financial Officer to accept, appropriate, and expend an amount not to exceed \$7,542 from Fund 600001, State, federal award, Grant No. 1000387-2013, Bridge PM No. 1 and \$27,302 from Fund 600001, State, federal award, Grant No. 1000388-2013, Bridge PM No. 2, contingent upon receipt of a fully executed grant agreement;

Authorizing the Chief Financial Officer to establish a special interest bearing account for the grant, if required.

STAFF SUPPORTING INFORMATION:**FISCAL CONSIDERATIONS:**

The estimated cost for the Preliminary Engineering is \$39,358. This action authorizes the acceptance of both grants in the amount of \$34,844 through the Bridge Preventative Maintenance Program. The City is matching both grants with a total of \$4,514, which is available from Transportation and Storm Water/Streets Division's Operating Budget.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

On October 24, 2006, per Resolution R-302021, the City authorized acceptance of grant funds for the City of San Diego Bridge Preventative Maintenance Program.

Sturdevan/Goldstone

Primary Contact\Phone: Deborah Van Wanseele\619-533-3012, MS 608

Secondary Contact\Phone: Larry Kuzminsky\619-533-3065, MS 611

City Attorney Contact: Malcolm, Katherine Anne

COUNCIL ACTION: Start Time: 10:34 AM

CONSENT MOTION BY DAVID ALVAREZ TO ADOPT. Second by Kevin Faulconer.

Passed by the following vote:

Yea: Sherri Lightner, Kevin Faulconer, Todd Gloria, Tony Young, Mark Kersey, Lorie Zapf, Scott Sherman, David Alvarez, Marti Emerald;

Nay: (None);

Recused: (None);

Not Present: (None).

[* ITEM-107: Revisions to Council Policy 700-10 entitled "Disposition of City-Owned Real Property."](#)

ITEM DESCRIPTION:

Request the City Council approve a Resolution amending Council Policy 700-10 entitled "Disposition of City-Owned Real Property"

INDEPENDENT BUDGET ANALYST'S RECOMMENDATION:

Adopt the following resolution:

(R-2013-339) ADOPTED AS RESOLUTION R-307913

Revising Council Policy 700-10;

Instructing the City Clerk to update the Council Policy Manual to include the Revised Council Policy 700-10.

SUPPORTING INFORMATION:**FISCAL CONSIDERATIONS:**

None with this action.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

On February 1, 2012, the Rules, Open Government and Intergovernmental Relations Committee

reviewed the proposed amendment to Council Policy 700-10 and voted unanimously to forward the revised Council Policy to the City Council for consideration.

ACTION: Motion by Council President Pro Tem Faulconer, second by Council President Young, to forward to full City Council. Council President Pro Tem Faulconer recommended that the Audit Committee add a performance audit of the City Treasurer's Revenue Audit Program to its 2013 Audit Work Plan.

VOTE: 5-0; Young-yea, Faulconer-yea, Zapf-yea, Gloria-yea, Emerald-yea.

Sturak

Primary Contact\Phone: Jeff Kawar\619-533-4764
Secondary Contact\Phone: Kristin Geitz\619-236-7031
City Attorney Contact: Bradley, Catherine M.

COUNCIL ACTION: Start Time: 10:34 AM

CONSENT MOTION BY DAVID ALVAREZ TO ADOPT. Second by Kevin Faulconer.

Passed by the following vote:

Yea: Sherri Lightner, Kevin Faulconer, Todd Gloria, Tony Young, Mark Kersey, Lorie Zapf, Scott Sherman, David Alvarez, Marti Emerald;

Nay: (None);

Recused: (None);

Not Present: (None).

[* ITEM-108: Utility easements for NTC Foundation improvements at Liberty Station. \(Liberty Station Community Area, District 2.\)](#)

ITEM DESCRIPTION:

This action will authorize the Mayor, or his designee, to execute any Easement Deeds required for utility purposes for the upgrading of City facilities at Liberty Station.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2013-300) ADOPTED AS RESOLUTION R-307914

Authorizing the Mayor, or his designee, to execute all necessary utility easement deeds and other associated documents required to renovate and upgrade City-owned facilities at Liberty Station.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The City will not be expending any funds in conjunction with the easement grants.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: N/A

Barwick/Goldstone

Primary Contact\Phone: Lane MacKenzie\619-236-6050
Secondary Contact\Phone: April McCusker\619-236-6987
City Attorney Contact: Bevier, Debra J.

COUNCIL ACTION: Start Time: 10:34 AM

CONSENT MOTION BY DAVID ALVAREZ TO ADOPT. Second by Kevin Faulconer.

Passed by the following vote:

Yea: Sherri Lightner, Kevin Faulconer, Todd Gloria, Tony Young, Mark Kersey, Lorie Zapf, Scott Sherman, David Alvarez, Marti Emerald;

Nay: (None);

Recused: (None);

Not Present: (None).

[* ITEM-109: Reverse Angled Parking on 25th Street Between Broadway and B Street. \(Greater Golden Hill Community Area, Districts 3 and 8.\)](#)

ITEM DESCRIPTION:

The installation of reverse angled parking is proposed as part of the 25th Street Renaissance project (CIP S-00985). Per California Vehicle Code Section 22503 and Municipal Code Section 86.03, the installation of any angled parking requires City Council approval. This requested action authorizes reverse angled parking for the project.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2013-206) ADOPTED AS RESOLUTION R-307915

Authorizing the installation of reverse angle parking on 25th Street, between Broadway and B Street, in accordance with San Diego Municipal Code Section 86.03 and California Vehicle Code Section 22503;

Authorizing the installation of necessary signs and marking for such reverse angle parking, and the regulations shall become effective on installation of the signs.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

No current fiscal impact for this action. Council action is to approve the reverse angled parking only. After Council approval, the installation of reverse angled parking would be done as part of CIP S-00985, 25th Street Renaissance Project.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

• Council Resolution R-300698 dated July 25, 2005, authorized the establishment of CIP 52-756.0 (now S-00985), 25th Street Renaissance Project; and authorized the appropriation, acceptance and expenditure of up to \$1,425,000 of Pilot Smart Growth Incentive Program Grant Funds for the Project.

• Mayoral Action C-15299 dated July 16, 2010, authorized the expenditure of \$75,000 for the execution of the original Consultant Agreement with RRM Design Group for 25th Street Renaissance Project Phase I.

• Council Resolution R-306727 dated April 5, 2011, authorized the expenditure of \$313,561 for the execution of the First Amendment to Consultant Agreement with RRM Design Group for 25th Street Renaissance Project Phase I.

• This item was heard at the Land Use and Housing Committee meeting on October 17, 2012.

ACTION: Motion by Councilmember Gloria, second by Councilmember Lightner, to approve staff recommendation.

VOTE: 3-0; Zapf-yea, Lightner-yea, Gloria-yea, Alvarez-not present.

Heinrichs/Goldstone

Primary Contact\Phone: Marnell Gibson\619-533-5213, MS 908A

Secondary Contact\Phone: Brad Johnson\619-533-5120, MS 908A

City Attorney Contact: Kohut, Ryan P.

COUNCIL ACTION: Start Time: 10:34 AM

CONSENT MOTION BY DAVID ALVAREZ TO ADOPT. Second by Kevin Faulconer.

Passed by the following vote:

Yea: Sherri Lightner, Kevin Faulconer, Todd Gloria, Tony Young, Mark Kersey, Lorie Zapf, Scott Sherman, David Alvarez, Marti Emerald;

Nay: (None);

Recused: (None);

Not Present: (None).

[* ITEM-110: Angle Parking on Old Grove Road. \(Scripps Miramar Ranch Community Area, District 5.\)](#)

ITEM DESCRIPTION:

A Resolution to install angle parking on the south side of Old Grove Road between Willow Creek Road and Businesspark Avenue in the community of Scripps Ranch.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2013-351) ADOPTED AS RESOLUTION R-307916

Authorizing the installation of angle parking on the south side of Old Grove Road, between Willow Creek Road and Businesspark Avenue, in accordance with San Diego Municipal Code Section 86.03 and California Vehicle Code Section 22503;

Authorizing the installation of necessary signs and marking for such angle parking, and the regulations shall become effective on installation of the signs.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The striping of the angle parking spaces will be installed by the City of San Diego Street Division at a cost of \$2,600. Funds are available in Street Division's Operating Budget.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: None.

Sturdevan/Goldstone

Primary Contact\Phone: Gary Pence\619-533-3184, MS 609
 Secondary Contact\Phone: Linda Marabian\619-533-3082, MS 609
 City Attorney Contact: Kohut, Ryan P.

COUNCIL ACTION: Start Time: 10:34 AM

CONSENT MOTION BY DAVID ALVAREZ TO ADOPT. Second by Kevin Faulconer.

Passed by the following vote:
 Yea: Sherri Lightner, Kevin Faulconer, Todd Gloria, Tony Young, Mark Kersey, Lorie Zapf, Scott Sherman, David Alvarez, Marti Emerald;
 Nay: (None);
 Recused: (None);
 Not Present: (None).

[* ITEM-111: Adopting an Amended Conflict of Interest Code for the Department of Information Technology.](#)

ITEM DESCRIPTION:

Adopt the amended Conflict of Interest Code and resolution as submitted.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2013-174) ADOPTED AS RESOLUTION R-307917

A Resolution adopting an Amended Conflict of Interest Code for the Department of Information Technology.

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

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS: N/A

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: N/A

Leveroni

Primary Contact\Phone: Alberta Martinez\619-533-3440
 City Attorney Contact: Spivak, Sharon B.

COUNCIL ACTION: Start Time: 10:34 AM

CONSENT MOTION BY DAVID ALVAREZ TO ADOPT. Second by Kevin Faulconer.

Passed by the following vote:
 Yea: Sherri Lightner, Kevin Faulconer, Todd Gloria, Tony Young, Mark Kersey, Lorie Zapf, Scott Sherman, David Alvarez, Marti Emerald;
 Nay: (None);
 Recused: (None);
 Not Present: (None).

[* ITEM-112: Adopting an Amended Conflict of Interest Code for the Development Services Department.](#)

ITEM DESCRIPTION:

Adopt the Amended Conflict of Interest Code and resolution as submitted.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2013-171) ADOPTED AS RESOLUTION R-307918

A Resolution adopting an Amended Conflict of Interest Code for the Development Services Department.

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

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS: N/A

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: N/A

Westlake

Primary Contact\Phone: Jackie Cruz\619-446-5261
 Secondary Contact\Phone: Diane Maglaras\619-236-4027
 City Attorney Contact: Spivak, Sharon B.

COUNCIL ACTION: Start Time: 10:34 AM

CONSENT MOTION BY DAVID ALVAREZ TO ADOPT. Second by Kevin Faulconer.

Passed by the following vote:

Yea: Sherri Lightner, Kevin Faulconer, Todd Gloria, Tony Young, Mark Kersey, Lorie Zapf, Scott Sherman, David Alvarez, Marti Emerald;

Nay: (None);

Recused: (None);

Not Present: (None).

[* ITEM-113: Appointment to the Horton Plaza Theatres Foundation Board of Directors.](#)

COUNCIL PRESIDENT YOUNG'S RECOMMENDATION:

Adopt the following resolution:

(R-2013-353) ADOPTED AS RESOLUTION R-307919

Council confirmation of the following appointment by the Council, to serve as a member of the Horton Plaza Theatres Foundation Board of Directors, for a term ending as indicated:

<u>NAME</u>	<u>TERM ENDING</u>
Thomas Muehlbauer (Downtown, District 2) (Filling the remainder of the term of Bill O'Connor, who resigned)	August 31, 2013

COUNCIL ACTION: Start Time: 10:34 AM

CONSENT MOTION BY DAVID ALVAREZ TO ADOPT. Second by Kevin Faulconer.

Passed by the following vote:

Yea: Sherri Lightner, Kevin Faulconer, Todd Gloria, Tony Young, Mark Kersey, Lorie Zapf, Scott Sherman, David Alvarez, Marti Emerald;

Nay: (None);

Recused: (None);

Not Present: (None).

[* ITEM-114: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.](#)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2013-04) ADOPTED AS RESOLUTION R-307920

Declaring a continued state of emergency to persist relative to the escalated discharge of raw sewage from Tijuana, Mexico, pursuant to California Government Code Section 8630;

Authorizing the Mayor, or his designee, to execute all necessary contracts for the diversion, treatment, and disposal of international raw sewage;

Declaring that the measures previously taken in accordance with Resolution Number R-282544 shall continue to have full force and effect.

COUNCIL ACTION: Start Time: 10:34 AM

CONSENT MOTION BY DAVID ALVAREZ TO ADOPT. Second by Kevin Faulconer.

Passed by the following vote:

Yea: Sherri Lightner, Kevin Faulconer, Todd Gloria, Tony Young, Mark Kersey, Lorie Zapf, Scott Sherman, David Alvarez, Marti Emerald;

Nay: (None);

Recused: (None);

Not Present: (None).

[ITEM-115: Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City.](#)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2013-251 Cor. Copy) ADOPTED AS RESOLUTION R-307921

Declaring a continued state of emergency due to severe shortage of affordable housing in the City of San Diego, pursuant to California Government Code Section 8630;

Declaring that the measures previously taken by the City Council in Resolution Number R-296982 shall continue to have full force and effect.

COUNCIL ACTION: Start Time: 10:47 AM

MOTION BY MARTI EMERALD TO ADOPT. Second by David Alvarez.

Passed by the following vote:

Yea: Sherri Lightner, Kevin Faulconer, Todd Gloria, Tony Young, Mark Kersey, Lorie Zapf, Scott Sherman, David Alvarez, Marti Emerald;

Nay: (None);

Recused: (None);

Not Present: (None).

[ITEM-116: Authorize the additional expenditure of up to \\$200,000 to the Law Firm Rauch, Detisch & Stienke. \(Downtown, 13th and Market Streets Community Areas. District 2.\)](#)

ITEM DESCRIPTION:

Authorize the City Attorney to amend the contract with the Law Firm Rauch, Detisch & Stienke for outside counsel services for an additional amount not to exceed \$200,000 to continue to represent the City as Successor Agency to the Redevelopment Agency in litigation with Chris LaFornara and Healthcare Services Inc., over disputes involving rent payments and acquisition of properties, located at 13th and Market Streets in cross complaints from two separate actions: *Provident Savings Bank, F.S.B. v. Chris LaFornara, et al.*, SDSC 37-2011-00086995-CU-BC-CTL; and *Hon LLP v. Redevelopment Agency*, SDSC 37-2011-00090762-CU-OR-CTL.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2013-360 Cor. Copy) ADOPTED AS RESOLUTION R-307922

Declaring by the City Council of the City of San Diego, acting in its capacity as the Board of the Successor Agency, as follows:

Authorizing the City Attorney to amend the Contract with the Law Firm Rauch, Detisch & Stienke for outside counsel services in an amount not to exceed an additional \$200,000 to continue to represent the City as Successor Agency to the Redevelopment Agency in litigation with Chris LaFornara and Healthcare Services Inc., over disputes involving rent payments and acquisition of properties located at 13th and Market Streets;

Authorizing the Mayor, or his designee, to execute the Amended Contract with the Law Firm Rauch, Detisch & Stienke;

Authorizing the Chief Financial Officer to appropriate and expend an amount not to exceed an additional \$200,000 from the Centre City Low/Mod Fund, No. 200543, for the above Contract.

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

City, as Successor Agency to the RDA has already expended \$200,000 of money designated on the Required Obligation Payment Schedule (ROPS) to cover expenditures in this case. Additional funding in the amount of \$200,000 from the ROPS is being requested through this action. If approved, the total not to exceed cost will be \$400,000.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: Not applicable.

Jones

Primary Contact\Phone: Joseph Allen\619-533-5886, MS 59

Secondary Contact\Phone: Nathan Slegers\619-533-5860, MS 59

City Attorney Contact: Allen, Joseph L.

COUNCIL ACTION: Start Time: 10:54 AM

MOTION BY DAVID ALVAREZ TO ADOPT. Second by Todd Gloria.

Passed by the following vote:

Yea: Sherri Lightner, Kevin Faulconer, Todd Gloria, Tony Young, Mark Kersey, Lorie Zapf, Scott Sherman, David Alvarez, Marti Emerald;

Nay: (None);

Recused: (None);

Not Present: (None).

ITEM-330: Proposed Municipal Code Change for Police Permits and Licensing.**ITEM DESCRIPTION:**

This item requests Council approval to make changes to the San Diego Municipal Code (SDMC). The SDMC currently exempts certain organizations regarding the acquisition and payment for a police permit. These exemptions are in conflict with the intent of Proposition 26 which was passed by voters on November 2, 2010. The changes to the SDMC will remove these exemptions, and require the formerly exempted organizations to obtain the appropriate permits. This item will also amend the SDMC regulations that apply to secondhand dealers, pawnbrokers, and massage therapists to be in compliance with the California Business and Professions Code, And the SDMC will be amended to designate the Fire-Rescue Chief to hear appeals related to Fire-Harmful Gas Alarm system revocations and penalties. (Rev. 11/29/12)

STAFF'S RECOMMENDATION:

Introduce the following ordinance:

(O-2013-33) RETURNED TO THE MAYOR

Introduction of an Ordinance amending Chapter 3, Article 3, Division 1, of the San Diego Municipal Code, by amending Section 33.0102; amending Chapter 3, Article 3, Division 5, by amending Section 33.0501; amending Chapter 3, Article 3, Division 6, by amending Section 33.0601; amending Chapter 3, Article 3, Division 7, by amending Section 33.0707; amending Chapter 3, Article 3, Division 11, by amending the Title of the Division and by renumbering Section 33.1101 to 33.1103, by adding new Section 33.1101, by amending Section 33.1102, by amending and renumbering Sections 33.1103 to 33.1104, 33.1104 to 33.1105, 33.1105 to 33.1106, 33.1106 to 33.1107, and by adding new Section 33.1108; amending Chapter 3, Article 3, Division 14, by amending Section 33.1402; amending Chapter 3, Article 3, Division 15, by amending Section 33.1504, 33.1508, and 33.1514; amending Chapter 3, Article 3, Division 35, by amending Sections 33.3502, 33.3507, and 33.3510, by deleting Section 33.3512, by amending and renumbering Sections 33.3513 to 33.3512, 33.3514 to 33.3513, 33.3515 to 33.3514, 33.3516 to 33.3515, 33.3517 to 33.3516, 33.3518 to 33.3517, 33.3519 to 33.3518, 33.3520 to 33.3519, 33.3521 to 33.3520, 33.3522 to 33.3521, 33.3523 to 33.3522, 33.3524 to 33.3523, 33.3525 to 33.3524, 33.3526 to 33.3525, 33.3527 to 33.3526, 33.3528 to 33.3527, and by deleting Section 33.3529; amending Chapter 3, Article 3, Division 37, by amending Section 33.3701; and amending Chapter 3, Article 3, Division 44, by amending Section 33.4402 and by deleting Section 33.4410, all relating to Police Regulated Occupations and Businesses.

STAFF SUPPORTING INFORMATION:**FISCAL CONSIDERATIONS:**

No cost associated with this action.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

These changes were presented to the Public Safety and Neighborhood Services Committee meeting on July 18, 2012. The Committee requested that San Diego Police Permits and Licensing identify stakeholders who would be affected by the loss of exemption to the Entertainment Permit. They asked they be notified of pending Council action. These letters will be sent after the date is identified that this will be brought before the Council, and used to notify them of the hearing, location and date.

ACTION: Motion by Councilmember Gloria, second by Councilmember Emerald, to forward to full Council with Independent Budget Analyst review.

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

Ramirez/Goldstone

Primary Contact\Phone: Dan Plein, Lieutenant\619-531-2973, MS 724
Secondary Contact\Phone: Joe Snarponis, Sergeant\619-531-2282, MS 724
City Attorney Contact: Folkman, Paige E.

COUNCIL ACTION: Start Time: 2:21 PM

RETURNED BY UNANIMOUS CONSENT; ALL PRESENT.

Motion by Marti Emerald to introduce. Second by Sherri Lightner.

Failed by the following vote:

Yea: Sherri Lightner, Todd Gloria, David Alvarez, Marti Emerald;
Nay: Kevin Faulconer, Tony Young, Mark Kersey, Lorie Zapf, Scott Sherman;
Recused: (None);
Not Present: (None).

Motion by Kevin Faulconer to introduce as amended with the alarm portion going forward and the non-profit exemption to come back in January 2013 with findings on further background information on the promoter and the single event permits. Second by Marti Emerald.

No vote taken.

[ITEM-331: COMM22 Project \(south side of Commercial Street between 21st Street and Harrison Avenue\) – First Amendment to Owner Participation Agreement including Affordable Housing Funding - Logan Heights Neighborhood of the Southeastern San Diego Community Planning Area \(Outside of the Southeastern Merged, Centre City, and Horton Plaza Redevelopment Project Areas\) \(District 8\).](#)

ITEM DESCRIPTION:

The developer of the affordable family housing component of the COMM22 mixed-use development (COMM22 Family Housing, L.P.) is requesting changes to the Owner Participation Agreement (OPA) approved by the former Redevelopment Agency of the City of San Diego (now known as the “Successor Agency”) and the City of San Diego in June 2011. The changes include a revised Project Budget to reflect increased development costs, a revised Method of Financing to increase the subordination level of the Agency Loan, and a revised Agreement Affecting Real Property to incorporate area median income changes in the case of foreclosure in the future. The Successor Agency and COMM22 Family Housing, L.P. have negotiated a proposed First Amendment to the OPA to memorialize the changes.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2013-347) ADOPTED AS RESOLUTION R-307933

Declaring by the City Council of the City of San Diego, acting in its capacity as the Board of the Successor Agency, as follows:

Approving the First Amendment to the Owner Participation Agreement (OPA) and all attachments thereto;

Authorizing the Mayor, or designee, on behalf of the Successor Agency, to execute the First Amendment. A copy of the First Amendment, when fully executed, shall be placed on file in the Office of the City Clerk;

Authorizing the Mayor, or designee, on behalf of the Successor Agency, to implement, administer, and execute all documents that are necessary and appropriate to effectuate the purposes of this Resolution and the OPA, as amended by the First Amendment.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The requested action does not modify the Successor Agency’s obligation under the existing Owner Participation Agreement (OPA). The proposed First Amendment would increase the Successor Agency’s level of subordination to the Project’s combined senior construction and permanent loan by approximately \$2.6 million (or 10.4 percent) during the construction loan and approximately \$242,000 (or 7.2 percent) during the permanent loan period. This action does not modify the existing obligation that the Successor Agency would commit funding in an amount not to exceed \$9,255,000 to assist with development of the Project.

The Agency Loan pools former Low and Moderate Income Housing (20 percent) Fund (“Low-Mod Fund”) resources from former downtown and southeastern San Diego project areas, with \$8,255,000 pledged from the Centre City and Horton Plaza redevelopment projects and the remaining \$1,000,000 pledged from the Southcrest and Gateway Center West Components of the Southeastern San Diego Merged Project Area. The State Department of Finance (DOF) has approved the use of \$9,255,000 in Low-Mod Fund expenditures toward this Project, as shown in Recognized Obligation Payment Schedule (ROPS) 1, 2, and 3.

In accordance with the OPA terms, the Family Developer has drawn down \$1,204,145 of the Agency Loan as part of the Agency Predevelopment Loan. The Agency Predevelopment Loan is intended to reimburse the Family Developer for up to 75 percent of eligible predevelopment costs, not to exceed a total disbursement of \$1,950,000, which is part of the overall Agency Loan amount of \$9,255,000. Eligible costs are defined as actual expenses incurred by the Family Developer prior to start of construction and related to the production of the plans and drawings for the affordable family housing. The current undisbursed balance of the Agency Loan after removal of the \$1,204,145 Predevelopment Loan proceeds paid to date is \$8,050,855.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

The Former RDA and the City entered into an OPA with the Developer in June 2011.

Phillips/Goldstone

Primary Contact\Phone: John Collum\619-533-7124
City Attorney Contact: Skogen, Daphne Z.

COUNCIL ACTION: Start Time: 10:58 AM

MOTION BY DAVID ALVAREZ TO ADOPT. Second by Marti Emerald.

Passed by the following vote:

Yea: Sherri Lightner, Kevin Faulconer, Todd Gloria, Tony Young, Mark Kersey, Lorie Zapf, Scott Sherman, David Alvarez, Marti Emerald;

Nay: (None);

Recused: (None);

Not Present: (None).

[ITEM-332: La Jolla Crossroads, Project No. 258190. \(University Community Plan Area, District 1.\)](#)

ITEM DESCRIPTION:

The La Jolla Crossroads project proposes to construct 309 multifamily residential dwelling units, within three (3) six-story residential buildings and two parking garages, totaling approximately 809,141 square feet, including 31 affordable housing units, on an existing vacant 7.93-acre site located at 9015 Judicial Drive, within the University Community Plan area. The project proposes deviations to maximum structure height, street frontage setbacks, side yard setbacks and front yard setbacks.

STAFF'S RECOMMENDATION:

Adopt the resolutions in subitems A, C, D, and E; and introduce the ordinance in subitem B:

Subitem-A: (R-2013-307) ADOPTED AS RESOLUTION R-307935

Adoption of a Resolution amending the General Plan and University Community Plan to redesignate a project site located at 9015 Judicial Drive from Industrial-Scientific Research to Residential (45-75 Dwelling Units per acre) and to remove the Prime Industrial Land designation from the project site;

Adopting the Proposed Amendments, contingent upon final passage of the Ordinance rezoning the site from the existing RS-1-14 and IP-1-1 zones into the RM-3-9 zone.

NOTE: Subitem A not subject to the Mayor's veto.

Subitem-B: (O-2013-44) INTRODUCED, TO BE ADOPTED TUESDAY, JANUARY 8, 2013

Introduction of an Ordinance rezoning 8.08 acres located at 9015 Judicial Drive, within the University Community Plan area, in the City of San Diego, California, from the existing RS-1-14 and IP-1-1 zones into the RM-3-9 zone as defined by San Diego Municipal Code section 131.0406 (Rezone No. 909815); and repealing Ordinance No. O-13455 adopted February 15, 1932, and Ordinance No. O-18904 adopted December 5, 2000, of the Ordinances for the City of San Diego insofar as the same conflict herewith.

Subitem-C: (R-2013-316 Rev. 1) ADOPTED AS AMENDED AS RESOLUTION R-307936

Adoption of a Resolution granting Site Development Permit No. 919768 and Planned Development Permit No. 909766 for La Jolla Crossroads 1, LLC - Project No. 258190;

Adopting findings supported by the minutes, maps and exhibits, all of which are incorporated herein by reference, with respect to Site Development Permit No. 919768 and Planned Development Permit No. 909766;

Granting Site Development Permit No. 919768 and Planned Development Permit No. 909766 to La Jolla Crossroads 1, LLC, Owner, and Garden Communities, Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution, contingent upon final passage of the rezone ordinance rezoning the site from the existing RS-1-14 and IP-1-1 zones into the RM-3-9 zone.

NOTE: Subitem C not subject to the Mayor's veto.

Subitem-D: (R-2013-321) ADOPTED AS RESOLUTION R-307937

Adoption of a Resolution approving Vesting Tentative Map and Emergency Access Easement Vacation No. 909715 for La Jolla Crossroads 1, LLC - Project No. 258190;

Adopting findings supported by the minutes, maps, and exhibits, all of which are incorporated by reference, with respect to Vesting Tentative Map No. 909715;

Vacating, contingent upon the recordation of the approved Final Map for the project, portions of the emergency access easement granted to the City of San Diego within Map No. 14475, located within the project boundaries as shown in Vesting Tentative Map No. 909715, and that the findings are supported by the minutes, maps and exhibits, all of which are incorporated by reference;

Granting, based on the Findings hereinbefore adopted by the City Council, Vesting Tentative Map No. 909715 and Emergency Access Easement Vacation to La Jolla Crossroads 1, LLC, contingent upon final passage of the rezone ordinance rezoning the site from the existing RS-1-14 and IP-1-1

zones into the RM-3-9 zone, and subject to the attached conditions which are made a part of this resolution by this reference.

NOTE: Subitem D not subject to the Mayor's veto.

Subitem-E: (R-2013-305) ADOPTED AS RESOLUTION R-307938

Adoption of a Resolution certifying Environmental Impact Report No. 258190 for the La Jolla Crossroads I, LLC project - Project No. 258190;

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 after final passage of the Ordinance rezoning the site from the existing IP-1-1 and RS-1-14 zones into the RM-3-9 zone.

NOTE: Subitem E not subject to the Mayor's veto.

STAFF SUPPORTING INFORMATION:

FISCAL IMPACT:

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

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: None.

Goldstone\Westlake

Primary Contact\Phone: Laura C. Black\ (619) 236-6327
Secondary Contact\Phone: Mike Westlake\ (619) 446-5220
City Attorney Contact: Heidi Vonblum

COUNCIL ACTION: Start Time: 3:40 PM

MOTION BY SHERRI LIGHTNER TO ADOPT THE RESOLUTIONS IN SUBITEMS A, D, AND E; INTRODUCE THE ORDINANCE IN SUBITEM B; AND ADOPT THE RESOLUTION IN SUBITEM C AS AMENDED WITH A MODIFIED SITE PLAN THAT MOVES THE PARKING STRUCTURE SLIGHTLY TO THE NORTH, CREATING A LARGER OPEN SPACE NEXT TO JUDICIAL DRIVE OF A MINIMUM OF 0.9 ACRES, AND MAKE ALL OTHER PLANS CONSISTENT WITH THIS CHANGE; ADD NEW CONDITION #42 TO INSTALL SOUND BARRIERS ON ALL NORTH AND EAST FACING EXTERIOR UNITS FOR BUILDINGS 10, 11, AND 12; ADD CONDITION #43 TO EXCEED CITY CODE STANDARDS FOR INTERIOR NOISE MITIGATION ON NORTH AND EAST FACING EXTERIOR UNITS FOR BUILDINGS 10, 11, AND 12. Second by Marti Emerald.

Passed by the following vote:

Yea: Sherri Lightner, Kevin Faulconer, Todd Gloria, Tony Young, Mark Kersey, Lorie Zapf, Scott Sherman, David Alvarez, Marti Emerald;

Nay: (None);

Recused: (None);

Not Present: (None).

[ITEM-333: Appeal of the Douma Residence Project No. 236671. \(Ocean Beach Community Plan Area, District 2.\)](#)

NOTE: Continued from the meeting of October 23, 2012, Item 337 at the request of Council President Pro Tem Faulconer for further review. Hearing open. No testimony taken.

ITEM DESCRIPTION:

The Douma Residence project is an appeal of the Planning Commission's decision to approve a Coastal Development Permit, Site Development Permit and a Variance to demolish a duplex and construct a single-family residence with attached carport located at 5168 W. Point Loma Blvd. The project requires a Variance for two deviations to allow 100% of the floor area ratio to be utilized for habitable areas where 25% must be reserved for parking and to construct a carport in front of the building facade where carports must be constructed 5 feet from the front facade. A Site Development Permit is required to construct the residence at 1-foot above base flood elevation where 2 feet is required.

STAFF'S RECOMMENDATION:

Take the following actions:

RETURNED TO STAFF

Granting or denying the appeal and upholding or overturning the Planning Commission's decision to approve an application for Coastal Development Permit No. 859246, Site Development Permit No. 859294 and Variance permit No. 859248;

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

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

STAFF SUPPORTING INFORMATION:

FISCAL IMPACT:

None. All costs associated with processing this application are paid for by the applicant.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

On March 7, 2012, the Ocean Beach Planning Board voted 7-1-1 to recommend denial of the project. On July 12, 2012, the Planning Commission voted 5-1-1 to approve the project as presented by staff with Commissioner Haase voting against the project identifying concerns regarding the requested floodplain deviation.

Goldstone\Westlake

Primary Contact\Phone: Sandra Teasley\619-446-5271

City Attorney Contact: Shannon Thomas

COUNCIL ACTION: Start Time: 3:53 PM

Testimony in opposition by Cindy Douma, John Douma, Elizabeth Young Carmichael, Vincent Cruzen, Lief Hendrickson, Gary Dennis and David Stebbins.

Testimony in favor by Jane Gawronski.

RETURNED TO STAFF BY UNANIMOUS CONSENT; ALL PRESENT.

[* ITEM-S500: Community Projects, Programs and Services \(CPPS\) Funding Allocation to the El Cajon Boulevard Business Improvement Association for the Mid-City I-805 Holiday Bridge Lights Project. \(City Heights, North Park, Normal Heights Community Areas, and the million plus people who drive past the annual holiday light display, District 3.\)](#)

ITEM DESCRIPTION:

Approval of the funding allocation from Council District 3, along with authorization from the City Council are requested to allow the Mayor, or his designee, to enter into an Agreement with the El Cajon Boulevard Business Improvement Association in an amount not to exceed \$5,000, for the Mid-City I-805 Holiday Bridge Lights Project (Project). Additionally, a waiver of Council Policy 100-06, 3(g) is also requested.

COUNCILMEMBER GLORIA'S RECOMMENDATION:

Adopt the following resolution:

(R-2013-359 Cor. Copy) ADOPTED AS RESOLUTION R-307923

Declaring that the allocation described herein is made for a public purpose;

Waiving Council Policy 100-06, 3(g), which provides: "An organization may not apply to receive funding for an event or program which has already occurred, nor any capital improvement, goods, supplies, materials, or equipment which have already been purchased;"

Authorizing the Mayor, or his designee, to negotiate and execute for, and on behalf of the City, an Agreement with the El Cajon Boulevard Business Improvement Association in an amount not to exceed \$5,000 for the Mid-City I-805 Holiday Bridge Lights Project, pursuant to Council Policy 100-06, "City Council Funding of Community Projects, Programs, and Services;"

Authorizing the Chief Financial Officer to expend an amount not to exceed \$5,000 from the Community Projects, Programs and Services (CPPS) Budget Fund No. 100000, Cost Center 1103110003, to provide funds for the above-referenced Agreement, contingent upon the City Comptroller first furnishing one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

Total Estimated Cost of Program/Project/Service: \$27,000.

Event/Program Funding: Community Projects, Programs and Services (CPPS) Funding Request \$5,000.

Financial support for the project is also coming from the County of San Diego and San Diego Gas & Electric.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: N/A

Primary Contact\Phone: Pamela Ison\619-236-6633

Secondary Contact\Phone: Lori Witzel\619-236-6440

City Attorney Contact: Dugard, Prescilla

COUNCIL ACTION: Start Time: 10:34 AM

CONSENT MOTION BY DAVID ALVAREZ TO ADOPT. Second by Kevin Faulconer.

Passed by the following vote:

Yea: Sherri Lightner, Kevin Faulconer, Todd Gloria, Tony Young, Mark Kersey, Lorie Zapf, Scott Sherman, David Alvarez, Marti Emerald;

Nay: (None);

Recused: (None);

Not Present: (None).

[* ITEM-S501: Community Projects, Programs and Services \(CPPS\) Funding Allocation to the Fourth District Seniors Resource Center \(FDSRC\) for the Public Services Project. \(Districts-All.\)](#)

ITEM DESCRIPTION:

Approve Community Projects, Programs and Services (CPPS) Funding Allocation to the Fourth District Seniors Resource Center (FDSRC) in the amount of \$30,000 for their public service project.

COUNCIL PRESIDENT YOUNG'S RECOMMENDATION:

Adopt the following resolution:

(R-2013-361) ADOPTED AS RESOLUTION R-307924

Declaring that the allocation described herein is made for a public purpose;

Authorizing the Mayor, or his designee, to negotiate and execute for, and on behalf of the City, an Agreement with Fourth District Seniors Resource Center (FDSRC) in an amount not to exceed \$30,000 for FY 2013 Public Services Project, pursuant to Council Policy 100-06, "City Council Funding of Community Projects, Programs, and Services;"

Authorizing the Chief Financial Officer to expend an amount not to exceed \$30,000 from the Community Projects, Programs and Services (CPPS) Budget Fund No. 100000, Cost Center 1104110004, to provide funds for the above-referenced Agreement, contingent upon the City Comptroller first furnishing one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

\$30,000 from District 4 Community Projects, Programs and Services (CPPS) Funding Fund No. 100000, Cost Center No. 1104110004, General Ledger 512159.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: None.

Slack

Primary Contact\Phone: Jimmie Slack\619-236-6644, MS 10A

City Attorney Contact: Dugard, Prescilla

COUNCIL ACTION: Start Time: 10:34 AM

CONSENT MOTION BY DAVID ALVAREZ TO ADOPT. Second by Kevin Faulconer.

Passed by the following vote:

Yea: Sherri Lightner, Kevin Faulconer, Todd Gloria, Tony Young, Mark Kersey, Lorie Zapf, Scott Sherman, David Alvarez, Marti Emerald;

Nay: (None);

Recused: (None);

Not Present: (None).

[* ITEM-S502: Community Projects, Programs and Services \(CPPS\) Funding Allocation to the following Organizations: Jacobs Center for Neighborhood Innovation, O'Farrell Community School, and Zeta Sigma Lambda Foundation. \(Southeast San Diego, City Heights, Alta Vista, Broadway Heights, Chollas View, Emerald Hills, Jamacha, Lincoln Park, Lomita Village, Mt. Hope, North Bay Terrace, North Encanto, Oak Park, O'Farrell, Paradise Hills, Southbay Terrace, South Encanto, Valencia Park, and Webster Community Areas. Districts 3 and 4.\)](#)

ITEM DESCRIPTION:

Approve Community Projects, Programs and Services (CPPS) Funding allocation to the following organizations: Jacobs Center for Neighborhood Innovation (\$10,000); O'Farrell Community School (\$4,800); and Zeta Sigma Lambda Foundation Inc. (\$15,000).

COUNCIL PRESIDENT YOUNG'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2013-354 Cor. Copy) ADOPTED AS RESOLUTION R-307925

Declaring that the allocation described herein is made for a public purpose;

Authorizing the Mayor, or his designee, to negotiate and execute, for and on behalf of the City, an Agreement with Zeta Sigma Lambda Foundation, Inc., in an amount not to exceed \$15,000 for the 15th Annual Sheila R. Hardin San Diego Multi-Cultural Festival, pursuant to Council Policy 100-06, "City Council Funding of Community Projects, Programs, and Services;"

Authorizing the Chief Financial Officer to expend an amount not to exceed \$15,000 from the Community Projects, Programs and Services Budget Fund No. 100000, Cost Center 1104110004, to provide funds for the above-referenced Agreement, contingent upon the City Comptroller first furnishing one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

Subitem-B: (R-2013-355) ADOPTED AS RESOLUTION R-307926

Declaring that the public benefit from the Compassion Project's provision of services to indigent families of criminal homicide victims works to help promote community healing, to limit retaliatory violence and to promote a safer community and therefore serves a public purpose;

Authorizing the Mayor, or his designee, to negotiate and execute, for and on behalf of the City, an Agreement with Jacobs Center for Neighborhood Innovation in an amount not to exceed \$10,000 for the Compassion Project, pursuant to Council Policy 100-06, "City Council Funding of Community Projects, Programs, and Services;"

Authorizing the Chief Financial Officer to expend an amount not to exceed \$10,000 from the Community Projects, Programs and Services Budget Fund No. 100000, Cost Center 1104110004, to provide funds for the above-referenced Agreement, contingent upon the City Comptroller first furnishing one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

Subitem-C: (R-2013-350) ADOPTED AS RESOLUTION R-307927

Declaring that the allocation described herein is made for a public purpose;

Waiving Council Policy 100-06, 3(g), which provides: "An organization may not apply to receive funding for an event or program which has already occurred, nor any capital improvement, goods, supplies, materials, or equipment which have already been purchased."

Authorizing the Mayor, or his designee, to negotiate and execute, for and on behalf of the City, an Agreement with O'Farrell Community School in an amount not to exceed \$4,800 for the You Can Do It! Street Art Project, pursuant to Council Policy 100-06, "City Council Funding of Community Projects, Programs, and Services;"

Authorizing the Chief Financial Officer to expend an amount not to exceed \$4,800 from the Community Projects, Programs and Services Budget Fund No. 100000, Cost Center 1104110004, to provide funds for the above-referenced Agreement, contingent upon the City Comptroller first furnishing one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

Jacobs Center for Neighborhood Innovation (\$10,000); O'Farrell Community School (\$4,800); and Zeta Sigma Lambda Foundation Inc. (\$15,000).

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: None.

Jurado-Sainz

Primary Contact\Phone: Jimmie Slack\619-236-6644, MS 10A
City Attorney Contact: Dugard, Prescilla

COUNCIL ACTION: Start Time: 10:34 AM

CONSENT MOTION BY DAVID ALVAREZ TO ADOPT. Second by Kevin Faulconer.

Passed by the following vote:

Yea: Sherri Lightner, Kevin Faulconer, Todd Gloria, Tony Young, Mark Kersey, Lorie Zapf, Scott Sherman, David Alvarez, Marti Emerald;

Nay: (None);

Recused: (None);

Not Present: (None).

[ITEM-S503: Cancellation of Tierrasanta Community Park/Sports Field Lighting Project. \(Tierrasanta Community Area, District 7.\)](#)

(Continued from the meeting of November 27, 2012, Item 107, at the request of Councilmember Emerald, to extend the courtesy to allow the new Councilmember for District 7 to participate in the motion/vote.)

ITEM DESCRIPTION:

This action is to request Council approval to reduce the Capital Improvement Program budget by de-appropriating and returning to fund balance the project listed above, for Tierrasanta Community Park - Sports Field Lighting, for the purpose of closing the project. The Tierrasanta Recreation Council no longer believes the project is needed and has recommended to Park and Recreation Department that the project be cancelled and all funds returned to fund balance.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2013-136) RETURNED TO STAFF

Authorizing the Chief Financial Officer to reduce the Capital Improvements Program Budget by de-appropriating and returning an amount not to exceed \$511,778.24 in CIP S-11011.01.04, Tierrasanta Community Park – Sports Field Lighting, as follows: \$300,000 in Fund No. 200636, Monetary Conditions Placed on Future Deposits; \$78,051 in Fund No. 400216, R.H.-Endowment Community Youth; \$34,233 in Fund No. 400220, SC Open Space Acg/Rec Center Phase II; \$37,716 in Fund No. 400219, SC Open Space Acg/Rec Center Phase I; \$57,902.24 in Fund No. 400098, Development Impact Fee (DIF); and \$3,876 in Fund No. 400031, Tierrasanta (Elliott West) Major District; for the purpose of closing the project;

Authorizing the Chief Operating Officer to close CIP S-11011, Tierrasanta Community Park – Sports Field Lighting.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

This action will de-appropriate up to \$511,778.24 and will return funding to fund balance, as follows:

\$300,000 in Fund 200636, Monetary Conditions Placed on Future Deposits,
\$78,051 in Fund 400216, R.H.-Endowment Community Youth,
\$34,233 in Fund 400220, SC Open Space Acg/Rec Council Ctr. Ph II,
\$37,716 in Fund 400219, SC Open Space Acg/Rec Council Ctr. Ph I,
\$57,902.24 in Fund 400098, Development Impact Fee,
\$3,876 in Fund 400031, Tierrasanta (Elliot West) Major District.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

- Resolution R-301981 dated October 10, 2006.
- This item was heard and approved at the Natural Resources and Culture Committee meeting on October 10, 2012.

ACTION: Motion by Councilmember DeMaio, second by Councilmember Lightner, to approve.

VOTE: 4-0; Alvarez-yea, DeMaio-yea, Zapf-yea, Lightner-yea.

Nagelvoort/Goldstone

Primary Contact\Phone: Alexandra Corsi\619-533-4644
Secondary Contact\Phone: Samir Mahmalji\619-533-5301
City Attorney Contact: Malcolm, Katherine Anne

COUNCIL ACTION: Start Time: 10:34 AM

RETURNED TO STAFF BY UNANIMOUS CONSENT; ALL PRESENT.

*** ITEM-S504: [Appointment to the Airports Advisory Committee.](#)**

Continued from the meeting of November 27, 2012, Item 114, at the request of Councilmember Emerald, to extend the courtesy to allow the new Councilmember for District 7 to participate in the notion/vote.)

MAYOR SANDERS' RECOMMENDATION:

Adopt the following resolution:

(R-2013-328) ADOPTED AS RESOLUTION R-307928

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

<u>NAME</u>	<u>CATEGORY</u>	<u>TERM ENDING</u>
Scott Hasson (Tierrasanta, District 7) (Filling the remainder of a term)	Tierrasanta Representative	February 28, 2014

Declaring that if, after being confirmed to the Committee, a Committee Member loses his/her

affiliation with his/her designated community group, or a Committee Member is no longer representative of an airport user group, or a Committee Member no longer possesses the special aviation expertise that caused him/her to be confirmed as a Committee Member, the Committee Member's membership will be revoked and a new Committee nominee will be appointed by the Mayor and subsequently presented to the Council for approval.

COUNCIL ACTION: Start Time: 10:34 AM

CONSENT MOTION BY DAVID ALVAREZ TO ADOPT. Second by Kevin Faulconer.

Passed by the following vote:

Yea: Sherri Lightner, Kevin Faulconer, Todd Gloria, Tony Young, Mark Kersey, Lorie Zapf, Scott Sherman, David Alvarez, Marti Emerald;

Nay: (None);

Recused: (None);

Not Present: (None).

[* ITEM-S505: Community Projects, Programs and Services Funding Allocation to Jacobs Center for Neighborhood Innovation for Project Safe Way. \(District 4.\)](#)

ITEM DESCRIPTION:

Allocate \$25,000 from District 4 Community Projects, Programs and Services (CPPS) funding to the Jacobs Center for Neighborhood Innovation for Project Safe Way.

COUNCIL PRESIDENT YOUNG'S RECOMMENDATION:

Adopt the following resolution:

(R-2013-377) ADOPTED AS RESOLUTION R-307929

Declaring that the allocation described herein is made for a public purpose;

Authorizing the Mayor, or his designee, to negotiate and execute for and on behalf of the City, an Agreement with Jacobs Center for Neighborhood Innovation in an amount not to exceed \$25,000 for the project described herein;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$25,000 from the Community Projects, Programs and Services (CPPS) Budget Fund No. 100000, Cost Center 1104110004, to provide funds for the above-referenced Agreement, contingent upon the City Comptroller first furnishing one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

\$25,000 from District 4 Community Projects, Programs and Services (CPPS) Funding Fund No. 100000, Cost Center No. 1104110004, General Ledger 512159.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: N/A

Jurado-Sainz

Primary Contact\Phone: Jimmie Slack\619-236-6644, MS 10A

City Attorney Contact: Dugard, Prescilla

COUNCIL ACTION: Start Time: 10:34 AM

CONSENT MOTION BY DAVID ALVAREZ TO ADOPT. Second by Kevin Faulconer.

Passed by the following vote:

Yea: Sherri Lightner, Kevin Faulconer, Todd Gloria, Tony Young, Mark Kersey, Lorie Zapf, Scott Sherman, David Alvarez, Marti Emerald;

Nay: (None);

Recused: (None);

Not Present: (None).

[* ITEM-S506: Community Projects, Programs and Services Funding Allocation to Urban League of San Diego County for the Golden Pyramid Scholars Program. \(District 4.\)](#)

ITEM DESCRIPTION:

Approve Community Projects, Program and Services (CPPS) Funding of \$15,000 to the Urban League of San Diego County for the Golden Pyramid Scholars Program.

COUNCIL PRESIDENT YOUNG'S RECOMMENDATION:

Adopt the following resolution:

(R-2013-380) ADOPTED AS RESOLUTION R-307930

Declaring that the allocation described herein is made for a public purpose;

Authorizing the Mayor, or his designee, to negotiate and execute for, and on behalf of the City, an Agreement with Jacobs Center for Neighborhood Innovation in an amount not to exceed \$15,000 for the project described herein;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$15,000 from the Community Projects, Programs and Services (CPPS) Budget Fund No. 100000, Cost Center 1104110004, to provide funds for the above-referenced Agreement, contingent upon the City Comptroller first furnishing one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

\$15,000 from the following Fund/Cost Center CD 4: Fund No. 100000, Cost Center No.1104110004, General Ledger 512159 for the Urban League of San Diego County.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: N/A

Jurado-Sainz

Primary Contact/Phone: Jimmie Slack\619-236-6644, MS 10A
City Attorney Contact: Dugard, Prescilla

COUNCIL ACTION: Start Time: 10:34 AM

CONSENT MOTION BY DAVID ALVAREZ TO ADOPT. Second by Kevin Faulconer.

Passed by the following vote:

Yea: Sherri Lightner, Kevin Faulconer, Todd Gloria, Tony Young, Mark Kersey, Lorie Zapf, Scott Sherman, David Alvarez, Marti Emerald;

Nay: (None);

Recused: (None);

Not Present: (None).

[ITEM-S507: Street Preservation Ordinance - Amendments to the Municipal Code relating to excavating within the Public Right-of-Way and adjustment to the Street Trench Cut Fee. \(Citywide.\)](#)

ITEM DESCRIPTION:

This action is to approve an Ordinance amending the Municipal Code to provide for procedures, limitations and requirements when excavations are made in the public right-of-way (ROW), and related matters. In addition, this action is to approve a Resolution adjusting the Street Trench Cut Fee (and renaming it the Street Damage Fee) to partially recover the increased repaving and reconstruction costs incurred by the City that are reasonably attributable to the impact of an excavation to the public Right-of-Way.

STAFF'S RECOMMENDATION:

Introduce the ordinance in Subitem A and adopt the resolution in Subitem B:

Subitem-A: (O-2013-51) INTRODUCED, TO BE ADOPTED ON TUESDAY, JANUARY 8, 2013

Introduction of an Ordinance amending Chapter 6, Article 2, Division 11, of the San Diego Municipal Code by amending Sections 62.1102, 62.1103, 62.1104, 62.1105, 62.1107, 62.1108, 62.1109, 62.1110, 62.1111, 62.1112, 62.1113, and 62.1114; amending Chapter 6, Article 2, Division 12 by amending Sections 62.1201, 62.1202, 62.1203, 62.1204, 62.1206, 62.1207, 62.1208, 62.1209, 62.1210, and 62.1211; amending Chapter 6, Article 2, Division 12 by amending Section 62.1205 by deleting the text of that section and replacing the language in its entirety; and by adding Sections 62.1212, 62.1213, 62.1214, 62.1215, 62.1216, 62.1217, and 62.1218, all relating to public Right-of-Way and Land Development;

This Ordinance makes changes to the City of San Diego's laws regulating the excavation of the public Right-of-Way. It requires public utilities to provide a two-year plan for infrastructure projects in the public right-of-way. It extends the moratorium on excavations in the public Right-of-Way after a City asphalt resurfacing or slurry seal project;

The Ordinance makes it unlawful to excavate in the public right-of-way without a valid Right-of-Way Excavation Permit, and clarifies the required repairs to the public Right-of-Way. It establishes the Street Damage Fee as a mechanism to recover the increased life cycle costs to the City that result from excavations in the public Right-of-Way. The ordinance also clarifies the responsibility of Excavators to maintain their facilities in the public Right-of-Way in a sound and safe condition to City specification.

Subitem-B: (R-2013-378) ADOPTED WITH DIRECTION AS RESOLUTION R-307939

Approving the schedule of Street Damage Fees as described in Attachment 7, and is to be effective beginning on July 1, 2013;

Approving the schedule of Street Damage Fees as described in Attachment 8, and is to be effective beginning on July 1, 2014.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The proposed Resolution adjusts the current Street Trench Cut/Street Damage Fee that is charged to an excavator to partially reimburse the City for the loss of useful life of the street when it is excavated. In FY11 \$63,000 was collected from the issuance of permits to excavate in the public ROW. In FY12, \$160,000 was collected. If we were to assume the same approximate number and size of excavations are performed in FY13, estimated annual revenue would be \$160,000.

In addition to adjusting the fee for non-municipal excavators, the proposed Ordinance will require municipal excavators, primarily the City's Public Utilities Department and the Underground Utilities Program, to pay the Street Damage Fee. Currently they do not pay this fee when they excavate for maintenance purposes or as a requirement of a capital improvement project. If the Ordinance is approved, the Water & Sewer Fund and the Utilities Underground Funds (Surcharge & 20A) will be impacted by the collection of the Street Damage Fee.

Total annual revenue attributable to the new Ordinance and the adjustment to the Street Trench Cut/Street Damage Fee would be approximately \$1,146,250 in FY14 and \$2,132,500 in FY15. These funds would be used to partially mitigate the damage to streets impacted by excavations.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

- On September 22, 2003, Council authorized the addition of Division 12: Excavation Fees, Article 2: Public Rights-of-Way and Land Development to the Municipal Code by O-19215 N.S.

- On September 13, 2012, the Land Use and Housing Committee heard and approved this item with additional direction which has been outlined and specifically addressed in the body of Report to Council 12-135.

ACTION: Motion by Councilmember Alvarez, second by Councilmember Zapf, to approve with the Following language changes as outlined in Chair Zapf's Memo:

- Implement 50% of the new Street Damage Fee as proposed on Attachment IV fee chart of staffs report. The increase to the existing fee will initially be phased in over 2 years with 25% of the proposed increase effective July 2013, and an additional 25% of the proposed increase effective July 2014. There will be an opportunity to get to full cost recovery after that two year period based on an updated study conducted by the city which will take into account new technologies for smaller cuts.

VOTE: 3-0; Zapf-yea, Lightner-absent, Gloria-yea, Alvarez-yea.

Sturdevan/Goldstone

Primary Contact\Phone: Deborah Van Wanseele\619-533-3012

Secondary Contact\Phone: Hasan Yousef\619-527-7504

City Attorney Contact: Kohut, Ryan P.

COUNCIL ACTION: Start Time: 4:34 PM

MOTION BY DAVID ALVAREZ TO INTRODUCE THE ORDINANCE IN SUBITEM A AND ADOPT THE RESOLUTION IN SUBITEM B WITH DIRECTION TO STAFF TO PROVIDE A COST RECOVERY REPORT ANNUALLY WHEN THE FEE SCHEDULE COMES BEFORE COUNCIL AND TO DEVELOP A FEE SCHEDULE FOR FULL-COST RECOVERY BY FISCAL YEAR 2016. Second by Kevin Faulconer.

Passed by the following vote:

Yea: Sherri Lightner, Kevin Faulconer, Todd Gloria, Tony Young, Mark Kersey, Lorie Zapf, Scott Sherman, David Alvarez, Marti Emerald;

Nay: (None);

Recused: (None);

Not Present: (None).

[ITEM-S508: A Resolution of the Council of the City of San Diego in support of a Constitutional Amendment to overturn Citizens United.](#)

COUNCILMEMBER EMERALD'S RECOMMENDATION:

Adopt the following resolution:

(R-2013-337) ADOPTED AS RESOLUTION R-307934

Declaring that the Council of the City of San Diego that it respectfully disagrees with the Supreme Court's interpretation of the Constitution in *Citizens United* regarding the rights of corporations;

Declaring that the Council joins other cities in calling on Congress to begin the process of amending the Constitution to provide that corporations are not entitled to the entirety of protections or "rights" of natural persons, specifically so that the expenditure of corporate money to influence the electoral process is no longer a form of constitutionally protected speech.

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS: N/A

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

This item was heard at the Rules, Open Government and Intergovernmental Relations Committee meeting on November 14, 2012.

ACTION: Motion by Councilmember Emerald, second by Council President Young, to forward to full council for approval. Councilmember Emerald requested that the City Attorney work with her staff to draft a proposed resolution that will be ready by the time the matter goes to full Council.

VOTE: 3-0-2; Young-yea, Faulconer-not present, Zapf-not present, Gloria-yea, Emerald-yea.

Custer

Primary Contact\Phone: Marisa Berumen\619-236-7754, MS 10A
City Attorney Contact: Bradley, Catherine M.

COUNCIL ACTION: Start Time: 3:19 PM

MOTION BY MARTI EMERALD TO ADOPT. Second by Sherri Lightner.

Passed by the following vote:

Yea: Sherri Lightner, Kevin Faulconer, Todd Gloria, Tony Young, Lorie Zapf, Scott Sherman, David Alvarez, Marti Emerald;

Nay: (None);

Recused: (None);

Not Present: Mark Kersey.

[* ITEM-S509: Settlement of personal injury claim of Danielle Fisher. Risk Management File No. IVOS 5757.](#)

ITEM DESCRIPTION:

Settlement of Personal Injury Claim of Danielle Fisher resulting from a stop and detention by a police officer.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2013-345) ADOPTED AS RESOLUTION R-307931

Authorizing the sum of \$75,000 to be paid from the Public Liability Fund No. 720045 in settlement of each and every claim for damages and interest, exclusive of costs and attorney fees, against the City of San Diego, its agents, employees and former employees, arising from the above-captioned matter, United States District Court Case No. 12-cv-1268 LAB (NLS);

Authorizing the Chief Financial Officer to appropriate and expend \$75,000 from the Public Liability Fund, Fund 720045, contingent upon the Chief Financial Officer first furnishing one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the City Comptroller to issue a check in the amount of \$75,000 made payable to the Mitchell Gilleon Trust Account and Danielle Fisher.

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

Settlement will be paid from the Public Liability Fund 720045.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

The item was considered in Closed Session on November 13, 2012.

Jones

Primary\City Attorney Contact\Phone: Christina M. Milligan\619-235-5895
Secondary Contact\Phone: Anna Lonergan\619-533-5838

COUNCIL ACTION: Start Time: 10:34 AM

CONSENT MOTION BY DAVID ALVAREZ TO ADOPT. Second by Kevin Faulconer.

Passed by the following vote:

Yea: Sherri Lightner, Kevin Faulconer, Todd Gloria, Tony Young, Mark Kersey, Lorie Zapf, Scott Sherman, David Alvarez, Marti Emerald;

Nay: (None);
Recused: (None);
Not Present: (None).

[* ITEM-S510: Settlement of personal injury claim of Marjan Montazemi. Risk Management File No. iVOS 4863.](#)

ITEM DESCRIPTION:

Settlement of personal injury claim of Marjan Montazemi resulting from a stop and detention by a police officer.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2013-344) ADOPTED AS RESOLUTION R-307932

Authorizing the sum of \$170,000 to be paid from the Public Liability Fund No. 720045 in settlement of each and every claim for damages and interest, exclusive of costs and attorney fees, against the City of San Diego, its agents, employees, arising from the above-captioned matter, United States District Court Case No. 12-cv-1267 CAB (JMA);

Authorizing the Chief Financial Officer to appropriate and expend \$170,000 from the Public Liability Fund, Fund 720045, contingent upon the Chief Financial Officer first furnishing one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the City Comptroller to issue a check in the amount of \$170,000 made payable to the Mitchell Gilleon Trust Account and its client, Marjan Montazemi.

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

Settlement will be paid from the Public Liability Fund 720045.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

The item was considered in Closed Session on November 13, 2012.

Jones

Primary\City Attorney Contact\Phone: Christina M. Milligan\619-235-5895
Secondary Contact\Phone: Anna Loneragan\619-533-5838

COUNCIL ACTION: Start Time: 10:34 AM

CONSENT MOTION BY DAVID ALVAREZ TO ADOPT. Second by Kevin Faulconer.

Passed by the following vote:

Yea: Sherri Lightner, Kevin Faulconer, Todd Gloria, Tony Young, Mark Kersey, Lorie Zapf, Scott Sherman, David Alvarez, Marti Emerald;

Nay: (None);
Recused: (None);
Not Present: (None).

REPORT OUT OF CLOSED SESSION:

The City Attorney gave a report out of Closed Session.

To view the list of all available City Council Closed Session Meetings Reports refer to the link below:

<http://www.sandiego.gov/city-clerk/pdf/csreports/2012/csreports121126.pdf>

COUNCIL ACTION: Start Time: 5:41 PM

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Council President Gloria at 5:45 p.m.

COUNCIL ACTION: Start Time: 5:45 PM

