

CITY OF SAN DIEGO COUNCIL DOCKET



COUNCIL PRESIDENT

Todd Gloria • Third District

COUNCIL PRESIDENT PRO TEM

Sherri Lightner • First District

COUNCILMEMBERS

Edward Harris • Second District

Myrtle Cole • Fourth District

Mark Kersey • Fifth District

Lorie Zapf • Sixth District

Scott Sherman • Seventh District

David Alvarez • Eighth District

Marti Emerald • Ninth District

**Andrea Tevlin
Independent
Budget Analyst**

**Jan Goldsmith
City Attorney**

**Liz Maland
City Clerk**

San Diego Civic Concourse, Golden Hall, 202 C Street

**Monday, November 10, 2014 – and – Tuesday, November 11, 2014
(Adjourned)**

**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
MONDAY, NOVEMBER 10, 2014, AT 1:00 PM
CIVIC CENTER CONCOURSE
GOLDEN HALL
202 "C" STREET
SAN DIEGO, CA 92101**

This information will be made available in alternative formats upon request, as required by the Americans with Disabilities Act (ADA), by contacting the City Clerk at (619) 533-4000 or <mailto:cityclerk@sandiego.gov>. Requests for disability-related modifications or accommodations required to facilitate meeting participation, including requests for auxiliary aids, services or interpreters, require different lead times, ranging from five business days to two weeks. Please keep this in mind and provide as much advance notice as possible in order to ensure availability. Assistive Listening Devices (ALDs) are available in Council Chambers upon request.

Pursuant to California Senate Bill 343 (Section 54957.5(b) of the Brown Act), late-arriving documents related to City Council meeting agenda items which are distributed to the legislative body prior to and during the Council meeting are available for public review in the Office of the City Clerk on the second floor of the City Administration Building, 202 C Street, San Diego, CA 92101. This relates to those documents received after the agenda is publicly noticed and during the 72 hours prior to the start of the meeting. Please note: Approximately one hour prior to the start of the Council Meeting, the documents will be available just outside Council Chambers in the lobby of the 12th floor of the City Administration Building in a binder labeled "SB 343." Late-arriving materials received during the City Council meeting are available for review by making a verbal request of City Clerk staff located in Council Chambers.

ROLL CALL

INVOCATION

PLEDGE OF ALLEGIANCE

APPROVAL OF COUNCIL MINUTES

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

09-29-2014 - 2:00 p.m. - Adjourned
09-29-2014 - 6:00 p.m.
09-30-2014
10-06-2014
10-07-2014

PROCLAMATIONS/CEREMONIAL ITEMS

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

ITEM-30: Marine Corps Day.

PRESENTED BY COUNCILMEMBER HARRIS:

Proclaiming November 10, 2014, to be "Marine Corps Day" in the City of San Diego.

ITEM-31: Epilepsy Awareness Month.

PRESENTED BY COUNCIL PRESIDENT GLORIA:

Proclaiming November, to be "Epilepsy Awareness Month" in the City of San Diego.

ITEM-32: Ray Bernal Day.

PRESENTED BY COUNCILMEMBER ALVAREZ:

Proclaiming November 10, 2014, to be "Ray Bernal Day" in the City of San Diego.

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

ITEM-33: USS La Jolla Day.

COUNCIL PRESIDENT PRO TEM LIGHTNER'S RECOMMENDATION:

Proclaiming October 21, 2014, to be "USS La Jolla (SSN 701) Day" in the City of San Diego.

ITEM-34: Battle at the Border Day.

COUNCIL PRESIDENT PRO TEM LIGHTNER'S RECOMMENDATION:

Proclaiming October 25, 2014, to be "Battle at the Border Day" in the City of San Diego.

ITEM-35: Kellogg Park North Comfort Station John G. Watson Ribbon Cutting Ceremony.

COUNCIL PRESIDENT PRO TEM LIGHTNER'S RECOMMENDATION:

Congratulating The Friends of La Jolla Shores on the opening of the brand-new Kellogg Park North Comfort Station, and ribbon cutting ceremony on October 30, 2014, in honor of John G. Watson.

ITEM-36: San Diego Housing Commission Day.

COUNCIL PRESIDENT GLORIA'S RECOMMENDATION:

Proclaiming October 30, 2014, to be "San Diego Housing Commission Day" in the City of San Diego.

ITEM-37: Louis C. Murillo Day.

COUNCILMEMBER ALVAREZ'S RECOMMENDATION:

Proclaiming November 2, 2014, to be "Louis C. Murillo Day" in the City of San Diego.

SPECIAL ORDERS OF BUSINESS

None.

ADOPTION AGENDA, CONSENT ITEMS

The Consent items listed beginning on the next page are considered to be routine, and the appropriate Environmental Impact Reports have been considered. These items are indicated on the docket by a preceding asterisk (*). Because these items may be handled quickly, if you wish to be heard submit your Request to Speak form prior to the start of the meeting.

NON-AGENDA PUBLIC COMMENT

This portion of the agenda provides an opportunity for members of the public to address the Council on items of interest within the jurisdiction of the Council. (Comments relating to items on today's docket are to be taken at the time the item is heard.)

Per Section 22.0101, Rule 2.6, of the San Diego Municipal Code, comments are limited to three minutes per speaker, and three minutes per subject regardless of the number of people requesting to speak on that subject.

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

UPDATES ON PENDING LEGISLATION (MAYOR'S OFFICE)

REQUESTS FOR CONTINUANCE

The Council will consider requests for continuance in the morning or afternoon, based on when the item was noticed to be heard.

ADOPTION AGENDA, CONSENT ITEMS
ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING
WITH THE READING AND ADOPTION:

* ITEM-50: City of San Diego Licensing Agreement with Mattel, Inc.

ITEM DESCRIPTION:

This Action would authorize the Mayor, or designee, to enter into a Licensing Agreement with Mattel Inc., allowing for its use of the City's Fire-Rescue Department and Divisions names and logos in conjunction with the manufacture, marketing, and sale of various scaled Matchbox® toy replicas of fire apparatus and lifeguard vehicles, for a 3-year term with the option to renew for one additional 2-year term.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 10/20/2014, Item 200. (Council voted 9-0):

(O-2015-39 Cor. Copy)

Authorizing the Mayor, or his designee, to enter into a non-monetary Licensing Agreement with Mattel, Inc., allowing for the use of the City's and the Fire-Rescue Department's name, logo, and markings in conjunction with the manufacture, marketing, distribution, promotion, and sale of various scaled Matchbox® toy replicas of fire apparatus and lifeguard vehicles for a three-year initial term with two one-year options to renew.

* ITEM-51: Second Amendment to Agreement with Manuel Oncina Architects, Inc.
(Citywide.)

ITEM DESCRIPTION:

The Professional Services Agreement with Manuel Oncina Architects, Inc., provides architectural design services for the design of various Capital Improvements Projects. These services included the preparation of construction documents, construction administration services and preparation of various reports. This item will amend the As-Needed Architectural Design Services Agreement with Manuel Oncina Architects, Inc., to extend the duration of the contract an additional 3 years bringing the total contract duration to 8 years for a new expiration date of December 7, 2017.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 10/21/2014, Item 50. (Council voted 9-0):

(O-2014-117 Cor. Copy)

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City, the Second Amendment to the As-Needed Architectural Design Services Agreement with Manuel Oncina Architects, Inc., to extend the duration of the Agreement by an additional 36 months (three years), for the purpose of completing the open task orders for various Capital Improvements Projects under the terms and conditions set forth in the Second Amendment, together with any reasonably necessary modifications or amendments thereto which do not increase Project scope or cost and which the Mayor shall deem necessary from time to time in order to carry out the purposes and intent of this Project and Agreement.

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

* ITEM-52: Amendment No. 1 to the Consultant Agreement with AECOM USA, Inc., for the MBC Biosolids Storage Silos (9 & 10) Project. (District 6.)

ITEM DESCRIPTION:

Request Council authorization to execute the First Amendment to the Agreement (H084253) with AECOM USA, Inc., for engineering design and construction support services for the MBC Biosolids Storage Silos (9 & 10) Project. This Amendment provides additional funds to increase the engineering services under the Agreement. This Amendment will also provide a time extension which will allow AECOM USA, Inc., to continue with engineering support tasks during the construction of this project.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 10/21/2014, Item 51. (Council voted 9-0):

(O-2015-36)

Authorizing the Mayor, or his designee, to execute the First Amendment to the Agreement with AECOM USA, Inc., for additional construction support services for the MBC Biosolids Storage Silos (9 & 10) Project, CIP S-00322, in an additional amount not to exceed \$71,323.50, for the contract amount of \$954,556.50, contingent upon the Chief Financial Officer demonstrating that the funds are, or will be, on deposit with the City Treasurer;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$71,323.50 from CIP S-00322, MBC Biosolids Storage Silos (9 & 10) Project, Fund 700009, Metro Sewer CIP, for the purpose of executing this First Amendment, contingent upon adoption of the Fiscal Year 2015 Appropriation Ordinance and contingent upon the Chief Financial Officer certifying that the funds are, or will be, on deposit with the City Treasurer.

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

- * ITEM-53: City of San Diego and Ruffin - SD, LLC - First Amendment to Lease for office space located at 9370 Chesapeake Drive, San Diego, CA 92123. (Kearny Mesa Community Area. District 6.)

ITEM DESCRIPTION:

This action is to approve a First Amendment to the City's lease with Ruffin - SD, LLC, at 9370 Chesapeake Drive in San Diego, CA 92123, for office space currently occupied by the Storm Water Division of the Transportation and Storm Water Department. The First Amendment will allow a 6-year extension of the original lease. The lease expired on May 31, 2014.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 10/21/2014, Item 52. (Council voted 9-0):

(O-2015-20)

Authorizing the Mayor, or his designee, to execute and deliver that certain First Amendment to Lease between Ruffin - SD, LLC, a Limited Liability Company, as lessor, and the City of San Diego, as lessee;

Authorizing the Chief Financial Officer to appropriate and expend funds up to \$2,120,789 for rent, including utilities, for the duration of the six-year extended term of the Lease from the General Fund, Fund No. 100000, Cost Center No. 9912001112, General Ledger Account 512217.

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

* ITEM-54: Proposed Housing Impact Fee Ordinance Amendments. (Citywide.)

ITEM DESCRIPTION:

Adopt Amendments to the Housing Impact Fee Ordinance (San Diego Municipal Code Section 98.0601, et. seq.) to create additional affordable housing.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 10/21/2014, Item S500.
(Council voted 8-1. Councilmember Sherman voted nay):

(O-2015-50)

Amending Chapter 9, Article 8, Division 6, of the San Diego Municipal Code by amending Sections 98.0601, 98.0608, and Appendix A and deleting Section 98.0619, all relating to Housing Impact Fees on Nonresidential Development in the City of San Diego. This ordinance amends the San Diego Municipal Code by making changes to Chapter 9, Article 8, and Division 6. Specifically, this ordinance increases Housing Impact Fees as they relate to projects in the office, retail, and hotel categories of development, exempts research and development projects from that increase, exempts manufacturing, warehouse, and non-profit hospital projects from any requirement to pay Housing Impact Fees, and eliminates provisions relating to annual adjustment of those fees, in addition to making other minor amendments.

* ITEM-55: Proposed Amendments to San Diego Municipal Code Related to Recall, Chapter 2, Article 7, Division 27.

ITEM DESCRIPTION:

Approve Amendments to Article 7: Elections, Campaign Finance and Lobbying.

Division 27: Recall. Amendments to Section include several proposed changes that are housekeeping in nature or propose superficial formatting or grammatical changes to the Municipal Code itself and the creation of the “City Clerk Administrative Guidelines” to capture some of the format specifications related to the petition.

Substantive changes include:

1. Prohibit Recall in Final 6 Months of Term.
2. Increase Proponents to 5 and Require Residency/Voter Registration.
3. Eliminate the Supplemental Petition.
4. Update the Circulation period to 120 Days.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 10/28/14, Item 330. (Council voted 8-0. Councilmember Emerald not present):

(O-2015-38)

Amending Chapter 2, Article 7, Division 27, of the San Diego Municipal Code by amending by amending Sections 27.2701 and 27.2702; by retitling and amending Section 27.2703; by amending and renumbering current Section 27.2703 to Section 27.2704; by amending and renumbering Section 27.2713 to Section 27.2705; by amending and renumbering Section 27.2704 to Section 27.2706; by amending and renumbering Section 27.2705 to Section 27.2707; by amending and renumbering Section 27.2706 to Section 27.2708; by amending and renumbering Section 27.2707 to Section 27.2709; by amending and renumbering Section 27.2708 to Section 27.2710; by amending and renumbering Section 27.2709 to Section 27.2711; by amending and renumbering Section 27.2710 to Section 27.2712; by repealing Section 27.2711; by amending and renumbering Section 27.2712 to Section 27.2713; by repealing Section 27.2713; by amending Sections 27.2714, 27.2715, 27.27.16, 27.2717, and 27.2718; by repealing Sections 27.2719 and 27.2720; by amending and renumbering Section 27.2721 to Section 27.2719; by amending and renumbering Section 27.2722 to Section 27.2720; by amending and renumbering Section 27.2723 to Section 27.2721; by amending and renumbering Section 27.2724 to Section 27.2722; by amending and renumbering Section 27.2725 to Section 27.2723; by amending and renumbering Section 27.2727 to Section 27.2724; by amending and renumbering Section 27.2728 to Section 27.2725; by amending and renumbering Section 27.2729 to Section 27.2726; by amending and renumbering Section 27.2730 to Section 27.2727; by amending and renumbering Section 27.2731 to Section 27.2728; and by amending and renumbering Section 27.2732 to Section 27.2729; all relating to recall.

- * ITEM-56: Authorizing a twelve (12) months extension to existing Car Share Pilot Program Agreement with car2go. (Point Loma, Ocean Beach, Pacific Beach, Mission Beach, Bay Park, Morena, Midway, Downtown, Little Italy, Old Town, Middletown, North Park, Hillcrest, Mission Hills and Mission Valley Community Areas. Districts 2, 3, and 7.) (Rev. 11/6/14)

ITEM DESCRIPTION:

This action is to extend the existing Car Share Pilot Program Operator Agreement between the City of San Diego and car2go for a period not-to-exceed twelve (12) months. This extension will allow for the City's Corporate Sponsorship Program to complete the open and competitive process to identify a permanent car sharing provider. (Rev. 11/6/14)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was amended by Council action at time of introduction on 10/20/2014, Item S403, Subitem A. (Council voted 9-0):

(O-2015-45 Rev. Copy)

Authorizing the Mayor, or designee, on the City's behalf, to execute the Amendment in substantially the same form included as Attachment E to the Executive Summary accompanying this ordinance, and on such other terms and conditions deemed by the Mayor, or designee, to be in the best interests of the City, subject to the approval of the City Attorney;

Declaring that the Pilot Program shall continue until October 24, 2015, or the date upon which the City effectuates a permanent car share program, whichever is sooner;

Declaring that the Pilot Program is a non-exclusive car sharing program and any public or private company or organization that wishes to participate in the Pilot Program may do so pursuant to a separate Agreement with the City under substantially the same terms and conditions of the Extension Agreement;

Declaring that the requirement of San Diego Municipal Code Section 86.0123(c), that the operator of a vehicle immediately deposit money into a parking meter or otherwise immediately purchase time using an approved method of payment shall not apply to any vehicle, or operator of the vehicle, available for rent pursuant to the terms of the Pilot Program and an Agreement with the City as described in Section 3 of this ordinance;

Declaring that the restriction contained in San Diego Municipal Code Section 86.0126, that prohibits a person from allowing a vehicle to remain parked in any parking meter zone when the meter, receipt, card, or electronic device shows the parking time has expired shall not apply to any vehicle, or operator of the vehicle, available for rent pursuant to the terms of the Pilot Program and an Agreement with the City as described in Section 3 of this ordinance.

- * ITEM-57: Amendment No. 3 to Cooperative Agreement with Caltrans for the Construction of Carroll Canyon Road Extension Project. (Torrey Pines and Mira Mesa Community Areas. Districts 1 and 6.)

ITEM DESCRIPTION:

This action will authorize the execution of Amendment No. 3 to Cooperative Agreement with Caltrans. The proposed Agreement would compensate Caltrans in the amount not to exceed \$900,000 for the reconstruction of the City's existing storm drain system in Carroll Canyon Road, east of Scranton Road. In addition, this action will appropriate and expend by an amount not to exceed \$40,000 in interest earnings for the purpose of City Staff Oversight.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 10/28/14, Item 52. (Council voted 7-0. Councilmember Harris and Councilmember Alvarez not present):

(O-2015-48)

Authorizing the Mayor, or his designee, to execute for and on behalf of the City, the Third Amendment to the Cooperative Agreement with Caltrans, for the construction of Carroll Canyon Road Extension in A-CA.00001, Drainage Projects, CIP B-14129, Carroll Canyon Road Storm Drain Replacement, in an amount not to exceed \$900,000, under the terms and conditions set forth in the Third Amendment to the Agreement;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$900,000 from A-CA.00001, Drainage Projects, CIP B-14129, Carroll Canyon Road Storm Drain Replacement, of which \$173,428.66 is from Fund 400169, Transnet Extension, \$587,490.06 is from Fund 400848, Deferred Maintenance Revenue 2012A-Project and \$139,081.28 is from Fund 400853, PFFA Lease Revenue Bonds 2013A-Project for the purpose of executing this Amendment to the Agreement, contingent upon the Chief Financial Officer furnishing a certificate certifying that all funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the Chief Financial Officer to increase the Capital Improvements Program Budget in CIP S-00841, Carroll Canyon Road/Sorrento Valley Road District 1, and to appropriate and expend an amount not to exceed \$40,000 from Fund 400843, Carroll Canyon Road Extension for the purpose of City Staff Oversight;

Certifying that this activity is covered under MND/EA (SCH No. 2009011064, adopted April 2, 2009) adequately addressed in the environmental document and there is no change in circumstance, additional information, or project changes to warrant additional environmental review. The activity is part of a series of subsequent discretionary actions adequately covered by the previously approved project and is not considered a separate project for purposes of the California Environmental Quality Act (CEQA) review as defined in State CEQA Guidelines Section 15378(c);

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.

- * ITEM-58: Reimbursement Agreement with Pardee Homes for the design and construction of Traffic Signals located at Carmel Valley Road and Clarkview Lane (No. 15) and Carmel Valley Road and Via Albertura (No. 16) in Pacific Highlands Ranch. (Pacific Highlands Ranch Community Area. District 1.)

ITEM DESCRIPTION:

Reimbursement Agreement with Pardee Homes for the design, and construction of two traffic signals, at the intersections of Carmel Valley Road and Clarkview Lane (No. 15) and Carmel Valley Road and Via Albertura (No. 16) in Pacific Highlands Ranch. Waiver of the Competitive Bidding requirements and Consultant Services Selection process under San Diego Municipal Code Section 22.3202, and Council Policies 300-07 and 100-10.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 10/28/14, Item 53. (Council voted 7-0. Councilmember Harris and Councilmember Alvarez not present):

(O-2015-40)

Authorizing the Mayor, to execute, for and on behalf of the City, a Reimbursement Agreement with Pardee Homes for the purchase, design, and construction of Project No. T-7, in the Pacific Highlands Ranch Community under the terms and conditions set forth in the Agreement;

Waiving the consultant selection requirements of San Diego Municipal Code Section 22.3202, Council Policy 300-07, and Council Policy 100-10, as to the following consultants: (1) Latitude 33 Planning & Engineering shall be the consultant for civil engineering; (2) Urban Systems Associates, Inc., shall be the consultant for traffic and transportation engineering; and (3) MJS Construction Management & Engineering shall be the consultant for project administration;

Authorizing the Chief Financial Officer to appropriate and expend an amount not to exceed \$261,000 from CIP S-01062 Traffic Signals, Fund 400090, Pacific Highlands Ranch FBA Fund, consistent with the timing established in the most recently adopted Financing Plan, and contingent upon the Chief Financial Officer furnishing one or more certificate(s) certifying that funds necessary for expenditure are, or will be, on deposit in the City Treasury;

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.

- * ITEM-59: Vice Permits and Licensing Proposed Ordinance Changes to Secondhand/Pawn/Junk Dealers, Massage and HHPs, and Alarm Permits. (Citywide.)

ITEM DESCRIPTION:

The San Diego Police Department (Department) is responsible for issuing permits and regulating a variety of businesses and occupations collectively referred to as Police Regulated Occupations and Businesses. The Department is requesting the following Amendments to the San Diego Municipal Code to stay current with changes to state law, more effectively capture accurate cost recovery revenue, protect public health and safety, and to effectively reduce crime.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinances which were introduced on 10/28/14, Item 331, Subitems A, B, and C. (Council voted 8-0. Councilmember Alvarez not present):

Subitem-A: (O-2015-41)

Amending Chapter 3, Article 3, Division 1, of the San Diego Municipal Code by amending Section 33.0102; amending Chapter 3, Article 3, Division 11, by retitling the division and renumbering Section 33.0101 to 33.1103, adding new Section 33.1101, amending Section 33.1102, amending and renumbering Sections 33.1103 to 33.1104, 33.1104 to 33.1105, 33.1105 to 33.1106, and 33.1106 to 33.1107, and adding new Section 33.1108, all relating to Secondhand Dealers, Pawnbrokers, and Junk Yards.

Subitem-B: (O-2015-42)

Amending Chapter 3, Article 3, Division 35, by retitling the division, by amending Sections 33.3501, 33.3502, 33.3504, 33.3505, repealing Section 33.3507, amending and renumbering Section 33.3508 to 33.3507, renumbering Section 33.3509 to 33.3508, amending and renumbering Sections 33.3510 to 33.3509 to and 33.3511 to 33.3510, repealing Section 33.3512, amending and renumbering Sections 33.3513 to 33.3511 and 33.3514 to 33.3512, renumbering Sections 33.3515 to 33.3513, 33.3516 to 33.3514, and 33.3517 to 33.3515, amending and renumbering Section 33.3518 to 33.3516, renumbering Section 33.3519 to 33.3517, amending and renumbering Sections 33.3520 to 33.3518 and 33.3521 to 33.3519, renumbering Sections 33.3522 to 33.3520 and 33.3523 to 33.3521, amending and renumbering Section 33.3524 to 33.3522, renumbering Section 33.3525 to 33.3523, amending and renumbering Sections 33.3526 to 33.3524 and 33.3527 to 33.3525, renumbering Section 33.3528 to 33.3526, and by repealing Section 33.3529; by amending Chapter 3, Article 3, Division 44, by amending Sections 33.4401, 33.4402, 33.4403, 33.4404, 33.4405, 33.4406, 33.4407, and 33.4409, and repealing Section 33.4410; and by repealing Chapter 4, Article 6, Division 1, of the San Diego Municipal Code, Sections 46.0101 to 46.0105, all relating to Massage and Holistic Health Practitioners.

Subitem-C: (O-2015-43)

Amending Chapter 3, Article 3, Division 5, by amending Sections 33.0501, 33.0503, 33.0505, 33.0506, 33.3507, and 33.3508; and amending Chapter 3, Article 3, Division 37, by amending Sections 33.3701, 33.3702, 33.3703, 33.3704, 33.3705, 33.3707, 33.3715, 33.3716, 33.3718, 33.3719, 33.3720, 33.3721, and 33.3723, all relating to user permits for fire-harmful gas alarm system appeals and burglary, robbery, and emergency alarm system exemptions.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

* ITEM-100: Authorized Agents to obtain certain financial assistance on the City's behalf.

ITEM DESCRIPTION:

Request approval of a resolution to update the City's authorized agents to submit Federal and/or State financial assistance applications and documents.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2015-202)

Authorizing the Mayor, the Chief Operating Officer, the Chief Financial Officer, the Fire Chief, and the Office of Homeland Security Program Manager, to execute and file, for and on behalf of the City, applications and documents for the purpose of obtaining certain Federal and State financial assistance.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

Funding received from financial assistance programs directly support the City's ability to respond to and recover from a catastrophic event.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

- Resolution R-303296, approved by City Council on January 8, 2008.
- Resolution R-304717, approved by City Council on March 20, 2009.
- This item was heard at the Public Safety and Livable Neighborhoods Committee meeting on October 1, 2014, and forwarded to the full Council with a recommendation to approve.

ACTION: Motion by Councilmember Cole, second by Councilmember Kersey, to approve.

VOTE: 4-0; Emerald-yea, Cole-yea, Harris-yea, and Kersey-yea.

Mainar/Chadwick

Primary Contact\Phone: John Valencia\619-533-6763
Secondary Contact\Phone: Katherine Jackson\619-6761
City Attorney Contact: Brazier, Noah J.

- * ITEM-101: Community Projects, Programs and Services Allocation to the Pacific Beach Town Council for Rose Creek Cottage Restoration Project. (Pacific Beach Community Area. District 2)

ITEM DESCRIPTION:

City Council District 2 seeks authorization to use FY 2015 CPPS funds, to reimburse the Pacific Beach Town Council, for costs associated with restoration of the Rose Creek Cottage in Pacific Beach. These costs were incurred by the Pacific Beach Town Council in FYs 2013-14, but were not reimbursed last fiscal year by previous officeholders of Council District Two.

COUNCILMEMBER HARRIS'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2015-233)

Declaring by the Council of the City of San Diego, that the allocation described herein is made for a public purpose;

Declaring that the Council hereby waives 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 and directing the Mayor, or his designee, to execute, for and on behalf of the City, an Agreement with Pacific Beach Town Council, in an amount not to exceed \$4,192.84, for the project described herein, under terms and conditions set forth in the Agreement;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$4,192.84, from the Community Projects, Programs and Services budget Fund No. 100000, Cost Center 1102110002, to provide funds for the above-referenced agreement, 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.

Subitem-B: (R-2015-232)

Declaring that the Council of the City of San Diego, determines that the Project is categorically exempt from California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15301, and that an exception to the exemption does not apply;

Declaring that the Council of the City of San Diego, has determined that an exception to the exemption as set forth in CEQA Guidelines Section 15300.2 does not apply.

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

Total Estimated Cost of Program/Project/Service: \$10,000.

Event/Program Funding: CPPS Funding Request \$4,192.84.

Contract is with a non-profit organization to expend Community Projects, Programs and Services (CPPS) funds. Requested action corrects an issue that actually began in FY13, when City Council authorized a CPPS Contract with the Pacific Beach Town Council, but was not corrected in FY14. Council District 2 is now addressing the issue so the organization can be reimbursed for additional funds expended in FY14, for the restoration project approved in FY13. Funds will be expended from the General Fund, Fund No.100000, Council District 2, CPPS Budget.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

The allocation provided in this Agreement, was approved by City Council Resolution, in which the City Council found that the allocation is made for a public purpose.

Council Date May 14, 2013, Item No. 110, Resolution No. 308162.

Bukalova

Primary Contact\Phone: Chet Barfield\619-236-7057, MS 10A

Secondary Contact\Phone: Lori Witzel\619-236-6442, MS 10A

City Attorney Contact: Bradley, Catherine M.

- * ITEM-102: Arts, Culture, and Community Festivals Funding Allocation to Asian Pacific American Coalition (APAC) for Convoy District - San Diego Night Market. (District 6.)

ITEM DESCRIPTION:

Approval of the funding allocation from Council District 6, along with authorization from the City Council are requested to allow the Mayor, or his designee, to enter into an Agreement with Asian Pacific American Coalition (APAC) for an amount not to exceed \$9,000, for Convoy District - San Diego Night Market.

COUNCILMEMBER ZAPF'S RECOMMENDATION:

Adopt the following resolution:

(R-2015-228)

Declaring that the allocation described herein will assist Asian Pacific American Coalition San Diego (APAC) in producing the Project;

Waiving Section 3(g) of Council Policy 100-23;

Authorizing and directing the Mayor, or his designee, to execute, for and on behalf of the City, an Agreement with APAC in an amount not to exceed \$9,000, so that APAC may produce the Project in accordance with the terms and condition set forth in the Agreement;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$9,000, from the Transit Occupancy Tax Fund No. 200205, Cost Center No. 1414111217, 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:

\$9,000 in Arts, Culture, and Community Festivals Funding from Fund No. 200205, Cost Center No. 1414111217, will be used for Convoy District - San Diego Night Market.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: N/A

Batten

Primary Contact\Phone: Shirley Owen\619-533-6462
Secondary Contact\Phone: Kelly Batten\619-236-6616
City Attorney Contact: Bartolotta, Bret A.

- * ITEM-103: Adopting an Amended Conflict of Interest Code for the San Diego City Employees' Retirement System.

ITEM DESCRIPTION:

This item seeks adoption of an amended Conflict of Interest Code for the San Diego City Employees' Retirement System as part of a required biennial review. The Amendments reflect a new designated position and revised titles to existing designated positions, as described in Appendix A of the code.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2015-118)

Adopting a Conflict of Interest Code for the San Diego City Employees' Retirement System, consisting of standard language embodied in Title 2, Section 18730, of the California Code of Regulations, and any Amendments to that regulation duly adopted by the Fair Political Practices Commission, with Appendix A, showing designated positions and their duties, and Appendix B, showing the disclosure categories;

Adopting a copy of Appendix A and Appendix B, to the Conflict of Interest Code for the San Diego City Employees' Retirement System;

Declaring that the persons whose positions are designated in the Conflict of Interest Code for the San Diego City Employees' Retirement System shall file their statements of economic interest with the City Clerk in compliance with the schedule set forth in Government Code Section 87302(b) and Fair Political Practices Commission Regulation 18730, or any Amendments thereto, which set forth the deadlines for the filing of Initial Statements, Assuming Office Statements, Annual Statements and Leaving Office Statements;

Declaring that the Statements of Economic Interest filed by designated persons by retained by the Office of the City Clerk, and be made available for public inspection and reproduction;

Declaring that the Conflict of Interest Code for the San Diego City Employees' Retirement System becomes effective upon the date of adoption of this resolution.

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

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS: N/A

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: N/A

Nuesca

Primary Contact\Phone: Elaine Reagan\619-525-3614, MS 840

Secondary Contact\Phone: Teresa Clanton\619-525-3625, MS 840

City Attorney Contact: Spivak, Sharon B.

* ITEM-104: Adopting an Amended Conflict of Interest Code for the San Diego Convention Center Corporation.

ITEM DESCRIPTION:

This item seeks adoption of an amended Conflict of Interest Code for the San Diego Convention Center Corporation as part of a required biennial review. The Amendments would add staff positions, change titles of positions, and revise language in Category 2 of Appendix B.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2015-119)

Adopting a Conflict of Interest Code for the San Diego Convention Center Corporation, consisting of standard language embodied in Title 2, Section 18730, of the California Code of Regulations, and any Amendments to that regulation duly adopted by the Fair Political Practices Commission, with Appendix A, showing designated positions and their duties, and Appendix B, showing the disclosure categories;

Adopting a copy of Appendix A and Appendix B, to the Conflict of Interest Code for the San Diego Convention Center Corporation;

Declaring that the persons whose positions are designated in the Conflict of Interest Code for the San Diego Convention Center Corporation shall file their Statements of Economic Interest with the City Clerk in compliance with the schedule set forth in Government Code Section 87302(b) and Fair Political Practices Commission Regulation 18730, or any Amendments thereto, which set forth the deadlines for the filing of Initial Statements, Assuming Office Statements, Annual Statements and Leaving Office Statements;

Declaring that the Statements of Economic Interest filed by designated persons by retained by the Office of the City Clerk, and be made available for public inspection and reproduction;

Declaring that the Conflict of Interest Code for the San Diego Convention Center Corporation becomes effective upon the date of adoption of this resolution.

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

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS: N/A

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: N/A

Nuesca

Primary Contact\Phone: Leslie Devaney\619-232-3122

Secondary Contact\Phone: Pat Evans\619-515-5131

City Attorney Contact: Spivak, Sharon B.

* ITEM-105: Adopting an Amended Conflict of Interest Code for the Horton Plaza Theatres Foundation.

ITEM DESCRIPTION:

This item seeks adoption of an amended Conflict of Interest Code for the Horton Plaza Theatres Foundation as part of a required biennial review. The Amendments include adding the position of Executive Director, adding duties to existing positions, revising disclosure categories, and changing the format of the code.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2015-116)

Adopting a Conflict of Interest Code for the Horton Plaza Theatres Foundation, consisting of standard language embodied in Title 2, Section 18730, of the California Code of Regulations, and any Amendments to that regulation duly adopted by the Fair Political Practices Commission, with Appendix A, showing designated positions and their duties, and Appendix B, providing disclosure categories;

Adopting a copy of the Conflict of Interest Code for the Horton Plaza Theatres Foundation and its Appendix A and Appendix B;

Declaring that the persons whose positions are designated in the Conflict of Interest Code for the Horton Plaza Theatres Foundation shall file their Statements of Economic Interest with the City Clerk in compliance with the schedule set forth in Government Code Section 87302(b) and Fair Political Practices Commission Regulation 18730, or any Amendments thereto, which set forth the deadlines for the filing of Initial Statements, Assuming Office Statements, Annual Statements and Leaving Office Statements;

Declaring that the Statements of Economic Interest filed by designated persons be retained by the Office of the City Clerk, and be made available for public inspection and reproduction;

Declaring that the Conflict of Interest Code for the Horton Plaza Theatres Foundation becomes effective upon the date of adoption of this resolution.

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

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS: N/A

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: N/A

Nuesca

Primary Contact\Phone: Sandra Simmons\619-238-8388

Secondary Contact\Phone: Elizabeth Maland\619-533-4000

City Attorney Contact: Spivak, Sharon B.

* ITEM-106: Appointment to the Utility Undergrounding Advisory Committee.

COUNCIL PRESIDENT GLORIA'S RECOMMENDATION:

Adopt the following resolution:

(R-2015-224)

Council confirmation of the appointment of Don Taylor, a resident of Kensington and Council District 9, to fill the vacancy on the Utility Undergrounding Advisory Committee, created by the resignation of Charles Angyal, and to serve until the Committee completes the objectives for which it was created.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

RESOLUTIONS:

ITEM-200: Amendments to San Diego Council Policy No. 500-02 Taxicab Permits; Removal of Permit Cap, additional vehicle condition requirements; reduction of transportation oriented business experience requirement. (Citywide.)

ITEM DESCRIPTION:

Adopt either Alternative A - CP500-02, or Alternative B - CP500-02, both proposing Amendments to Council Policy 500-02 regarding Taxicab Permits.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2015-231 Cor. Copy) (Rev. 11/6/14)

Declaring that Council Policy No. 500-02, titled "Taxicab Permits," is amended as set forth in the Council Policy;

Declaring that the City Clerk is instructed to add the aforesaid to the Council Policy Manual.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

No impact to City revenues or expenses with this item. Additional permit distribution may result in increased expenses and fee revenue for San Diego Metropolitan Transit System (MTS), which administers the Taxicab Program on a cost-recovery basis on the City's behalf.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

- Council Policy No. 500-02 was last amended by Council on June 10, 2012, through the adoption of Resolution R-307494.
- At the July 24, 2014, Public Safety and Livable Neighborhoods Committee meeting, an update on the Ninth Amendment to the Agreement with the San Diego Metropolitan Transit System (MTS), for Administration of Taxicab and Other For-Hire Vehicle Regulations was heard.

ACTION: Motion by Councilmember Cole, second by Councilmember Harris, to recommend limiting the age of taxicabs in operation at ten years and prohibiting vehicles with a salvage-title from operating as taxicabs. The Committee also directed the City Attorney's office, to provide additional legal research regarding transferring permit issues.

VOTE: 3-0; Emerald-yea, Harris-yea, Cole-yea, Kersey-not present.

- Item No. 2

ACTION: Motion by Councilmember Cole, second by Councilmember Harris, with the following direction to the City Attorney's office to provide additional legal research regarding transferring permit issues and report back to this Committee in September or October of this year.

VOTE: 3-0; Emerald-yea, Cole-yea, Harris-yea, Kersey-not present.

- Item No. 3

ACTION: Motion by Councilmember Cole, second by Councilmember Harris, to:

- 1) Direct the City Attorney's Office to do additional legal research regarding the issue of whistleblower retaliation protection and applicability to independent contractors.
- 2) Work with San Diego Metropolitan Transit System (MTS) to draft a standardized lease.
- 3) Report back to this Committee in September or October of this year.

VOTE: 3-0; Emerald-yea, Cole-yea, Harris-yea, Kersey-not present.

- Item No. 4

ACTION: Motion by Councilmember Harris, second by Councilmember Cole, to approve, with the following direction to the City Attorney's Office to do additional legal research regarding Vehicle Code Section 26708, as it relates to security cameras in taxicabs and report back to this Committee in September or October of this year.

VOTE: 3-0; Emerald-yea, Cole-yea, Harris-yea, Kersey-not present.

- Amendments to Council Policy 500-02, clarifying and defining the policy's current language by re-writing "GPS" as "Global Positioning System (GPS)", and removing item E(d) "25% of trips must originate in underserved communities" were heard and recommended approval by the Committee on July 24, 2014. With additional direction to the City Attorney's Office to do research regarding Vehicle Code Section 26708, as it relates to security cameras in taxicabs and report back to the Committee in September or October of this year.

ACTION: Motion by Councilmember Harris, second by Councilmember Cole.

VOTE: 3-0; Emerald-yea, Cole-yea, Harris-yea, Kersey-absent.

- Council Policy No. 500-02 was heard at the Public Safety and Livable Neighborhoods Committee meeting on September 18, 2014.

ACTION: Motion by Councilmember Harris, second by Councilmember Kersey, to recommend that Council amend Council Policy 500-02, to remove the limit on taxicab permits and that an amended policy be forwarded to City Council.

VOTE: 3-0; Cole-yea, Harris-yea, Kersey-yea, Emerald-not present.

Flores

Primary Contact\Phone: Ralph Dimarucut\619-236-6699, MS 10A
City Attorney Contact: Kohut, Ryan P.

PUBLIC NOTICES:

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

ITEM-250: Notice of Pending Map Approval – CIVITA 15.

Notice is hereby given that the City Engineer has reviewed and will approve on the date of this City Council meeting that certain final map entitled “CIVITA 15” (V.T.M. No. 183196, PTS No. 383053 in the O-19807 zone, within the Mission Valley Council District 7, a copy of which is available for public viewing at the office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

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

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

ITEM-251: **Notice** of Pending Final Map Approval - Peppertree (Formerly Gables Carmel Valley).

Notice is hereby given that the City Land Surveyor has reviewed and will approve on the date of this City Council meeting that certain Final Map entitled "Peppertree" (Resolution No. R-306731 and V.T.M. 601114/PTS No. 167252) located at the Southeast corner Tang Drive and Carmel Creek Road, and legally described as a Portion of the E ½ of the SW ¼ of the SE ¼ of Section 19, Township 14 South, Range 3 West, San Bernardino Meridian, according to U.S. Government Survey approved May 20, 1884, in the Carmel Valley Neighborhood 8 Precise Plan area, in the Carmel Valley Planned District MF-1 Zone which is proposed to be rezoned to the Carmel Valley Planned District MF-3 Zone, a copy of which is available for public viewing at the office of the San Diego City Clerk. Specifically, the City Land Surveyor has caused the map to be examined and has made the following findings:

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

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

ITEM-252: **Notice** of Pending Final Map Approval - Creekside Villas.

Notice is hereby given that the City Land Surveyor has reviewed and will approve on the date of this City Council meeting that certain Final Map entitled "Creekside Villas" (Planning Commission No. 4091-PC and V.T.M. 9641/PTS No. 5769) located at 11921 Carmel Creek Road, at the southeasterly terminus of Carmel Creek Road, south of State Route 56 in the Carmel Valley community, legally described as the westerly 590.84 feet of the east ½ of the southeast ¼ of Section 19, Township 14 South, Range 3 West, San Bernardino Base Meridian, County of San Diego, State of California. Lying southerly of the center line of Carmel Creek Road, shown on County Road Survey No. 758, filed in the Office of the County Surveyor, in the Carmel Valley Community Plan area in the MF1 and OS zones (which is proposed to be rezoned to the MF3 zone) and the MF1 zone (proposed to be rezoned to the OS zone, a copy of which is available for public viewing at the office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

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

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

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT