

# CITY OF SAN DIEGO COUNCIL AGENDA



## COUNCIL PRESIDENT

Myrtle Cole • Fourth District

## COUNCIL PRESIDENT PRO TEM

Barbara Bry • First District

## COUNCILMEMBERS

Lorie Zapf • Second District  
Christopher Ward • Third District  
Mark Kersey • Fifth District  
Chris Cate • Sixth District  
Scott Sherman • Seventh District  
David Alvarez • Eighth District  
Georgette Gómez • Ninth District

Andrea Tevlin  
Independent  
Budget Analyst

Mara W. Elliott  
City Attorney

Liz Maland  
City Clerk

Council Chambers, 12<sup>th</sup> Floor, City Administration Building

Tuesday, January 30, 2018

**AGENDA FOR THE  
REGULAR COUNCIL MEETING OF  
TUESDAY, JANUARY 30, 2018, AT 10:00 AM  
CITY ADMINISTRATION BUILDING  
COUNCIL CHAMBERS – 12<sup>TH</sup> FLOOR  
202 “C” STREET  
SAN DIEGO, CA 92101**

**ALTERNATE FORMATS**

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

**SENATE BILL 343 (LATE-ARRIVING MATERIALS)**

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

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

**ROLL CALL**

**PLEDGE OF ALLEGIANCE**

**ADOPTION AGENDA, CONSENT ITEMS**

The Consent items listed are considered to be routine, and the environmental documents have been considered. Because these items may be handled quickly, if you wish to be heard submit your Request to Speak form prior to the start of the meeting.

ADOPTION AGENDA

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

**Item 60: Approval of the Joint Use Agreement for Pershing Middle School with the San Diego Unified School District.**

Total Estimated Cost of Proposed Action and Funding Source:

The City of San Diego will reimburse the San Diego Unified School District for the construction costs of Pershing Middle School in the amount of \$1,623,985 from Project S17007, Pershing Middle School Joint Use Improvements (\$1,200,000 from Fund No. 400265, Capital Contributions from the General Fund and \$423,985 from Fund No. 100012, Infrastructure Fund within S17007).

Council District(s) Affected: 7.

Proposed Actions:

(O-2018-67)

Introduction of an Ordinance authorizing the Mayor, or his designee, to enter into an Agreement with the San Diego Unified School District for the Construction, Operation, Maintenance, and Use of Joint Use Facilities at Pershing Middle School, and to reimburse the San Diego Unified School District for the construction costs of the new synthetic field at Pershing Middle School in an amount not-to-exceed \$1,623,985.

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

(R-2018-289)

Resolution determining that the execution of the Agreement for the Construction, Operation, Maintenance, and Use of Joint Use Facilities at Pershing Middle School between the City of San Diego and the San Diego Unified School District is exempt from the California Environmental Quality Act Pursuant to Section 15301 of the CEQA Guidelines.

Committee Actions Taken:

This item was heard at the Public Safety and Livable Neighborhoods Committee meeting on December 6, 2017.

ACTION: Motion by Councilmember Ward, second by Councilmember Cate, to recommend Council introduce the ordinance.

VOTE: 4-0; Cate-yea, Bry-yea, Zapf-yea, Ward-yea.

*Park & Recreation: Andrew Field, (619) 235-1110*

*City Attorney Contact: David Powell*

ADOPTION AGENDA

CONSENT, RESOLUTIONS TO BE ADOPTED:

**Item 100:       Amendment No. 2 to the Contract for Legal Services with Gordon Rees Scully Mansukhani, LLP.**

Total Estimated Cost of Proposed Action and Funding Source:

Request for an additional \$150,000 which will bring the total cost for this retention to \$525,000. Funds will be paid from the Public Liability Fund 720045.

Council District(s) Affected: 2.

Proposed Actions:

(R-2018-285)

Resolution authorizing Amendment No. 2 to the Agreement for Legal Services with Gordon Rees Scully Mansukhani, LLP, relating to the De Anza Cove Mobile Home Park litigation, including De Anza Cove Homeowners Association, et al. v. City of San Diego, San Diego Superior Court Case No. GIC 821191 and Aglio, et al. v. City of San Diego, San Diego Superior Court Case No. 37-2009-00081994-CU-EI-CTL, as well as for claims and matters related to the closure of the park, in an amount not-to-exceed \$150,000.

Committee Actions Taken: N/A

*Office of the City Attorney: David Karlin, (619) 533-5816*

*City Attorney Contact: David Karlin*

**Item 101: Resolution excusing Councilmember Christopher Ward from the March 16, 2017 Environment Committee and the July 27, 2017 and November 1, 2017 Rules Committee Meetings.**

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

Council District(s) Affected: 3.

Proposed Actions:

(R-2018-286)

Resolution excusing Councilmember Christopher Ward from attending meetings of the Environment Committee on March 16, 2017 and of the Rules Committee on July 27, 2017 and November 1, 2017.

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

Committee Actions Taken: N/A

*Council District 3: Pamela Ison, (619) 236-6633*

*City Attorney Contact: Sharon Spivak*

**PROCLAMATIONS/CEREMONIAL ITEMS (NOT PRESENTED IN CHAMBERS)**

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

**Item 30: William Barrañón Day.**

COUNCIL PRESIDENT COLE'S RECOMMENDATION:

Proclaiming January 26, 2018, to be "William Barrañón Day" in the City of San Diego.

**Item 31: National Minute of Reflection in Memory of Echol Cole and Robert Walker Day.**

COUNCIL PRESIDENT COLE'S RECOMMENDATION:

Proclaiming February 1, 2018, to be "National Minute of Reflection in Memory of Echol Cole and Robert Walker Day" in the City of San Diego.

**SPECIAL ORDERS OF BUSINESS**

None.

**ITEMS PULLED FROM THE CONSENT AGENDA**

**NON-AGENDA PUBLIC COMMENT**

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

Per Section 22.0101, Rule 2.6.2, of the San Diego Municipal Code, comments are limited to two (2) minutes per speaker. Speakers may not allocate their time to other speakers. If there are eight (8) or more speakers on a single issue, the maximum time allotted for that issue will be sixteen (16) minutes. Non-Agenda Public Comment is limited to 30 minutes during the Tuesday morning Council session. Any remaining speakers will be given an opportunity to speak after Council concludes the remaining agenda items for that day. Speaker order will generally be decided on a first-come, first-served basis. However, in the event that there are more than fifteen (15) Non-Agenda Public Comment speakers on a particular Tuesday, priority may be given.

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

**UPDATES ON PENDING LEGISLATION (MAYOR'S OFFICE)**

**REQUESTS FOR CONTINUANCE BY COUNCILMEMBERS**

**ADOPTION AGENDA, DISCUSSION ITEMS**



AGENDA

DISCUSSION, OTHER LEGISLATIVE ITEMS:

**Item 330: Citygate Standards of Response Coverage Report - Information Only.**

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

Total Estimated Cost of Proposed Action and Funding Source:

No fiscal impact. This is an informational item only.

Council District(s) Affected: Citywide.

Proposed Actions:

This is an informational item only. No action is required by the City Council.

Committee Actions Taken: N/A

*Fire-Rescue: Brian Fennessy, Fire Chief, (619) 533-4301*

ADOPTION AGENDA

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

**Item 331: Authorization for the City of San Diego Public Facilities Financing Authority Lease Revenue Refunding Bonds, Series 2018.**

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

Total Estimated Cost of Proposed Action and Funding Source:

Under current market conditions for an economic refunding on a taxable basis, total proceeds, together with the monies released from the Series 2010A Bonds debt service reserve fund, and funds on hand with the trustee for the September 1, 2018 debt service payment for the Series 2010A Bonds, will be used to refund the Series 2010A Bonds and pay for financing costs of issuance.

Council District(s) Affected: Citywide.

Proposed Actions:

(O-2018-69)

Introduction of an ordinance authorizing the issuance of the Public Facilities Financing Authority of the City of San Diego Lease Revenue Refunding Bonds, Series 2018 (Series 2018 Bonds) in a principal amount not-to-exceed \$140 million to refund the Authority's Series 2010A Bonds. The ordinance authorizes the execution of various financing documents, including the forms of: the Fourth Amendment to the Site Lease; the Fourth Amendment to the Facilities Lease; the Escrow Agreement; and the Continuing Disclosure Certificate.

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

(R-2018-288)

Resolution approving the form of the Bond Purchase Agreement for the Series 2018 Bonds, authorizing the City Attorney to retain Stradling, Yocca, Carlson & Rauth to serve as bond and disclosure counsel for the Series 2018 Bonds, and authorizing the Chief Financial Officer to establish one or more special, interest-bearing accounts for the proceeds of the Series 2018 Bonds.

Committee Actions Taken: N/A

*Debt Management:* Lakshmi Kommi, 619-236-6928 (Rev. 01/24/18)

*City Attorney Contact:* Brant Will

See the Public Facilities Financing Authority Agenda of January 30, 2018, for a companion item.

ADOPTION AGENDA

DISCUSSION, RESOLUTIONS TO BE ADOPTED:

**Item 332: Fiscal Year 2017 Comprehensive Annual Financial Report (CAFR).**

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

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

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2018-291)

Resolution receiving and filing the Fiscal Year 2017 Comprehensive Annual Financial Report (CAFR) of the City.

Committee Actions Taken:

This item was heard at the Audit Committee meeting on January 10, 2018.

ACTION: Motion by Councilmember Sherman, second by Committee Member Hebrank, to recommend the Council receive and file the CAFR.

VOTE: 4-0; Zapf-yea, Sherman-yea, Hebrank-yea, Spencer-yea, Valdivia-not present.

*Office of the City Comptroller: Scott Clark, (619) 235-5887*

*City Attorney Contact: Brant Will*

**NON-AGENDA ITEMS**

**REPORT OUT FROM CLOSED SESSION**

**ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES**

**ADJOURNMENT**