

# CITY OF SAN DIEGO COUNCIL DOCKET



## COUNCIL PRESIDENT

**Sherrí Lightner • First District**

## COUNCIL PRESIDENT PRO TEM

**Marti Emerald • Ninth District**

## COUNCILMEMBERS

**Lorie Zapf • Second District**

**Todd Gloria • Third District**

**Myrtle Cole • Fourth District**

**Mark Kersey • Fifth District**

**Chris Cate • Sixth District**

**Scott Sherman • Seventh District**

**David Alvarez • Eighth District**

**Andrea Tevlin  
Independent  
Budget Analyst**

**Jan Goldsmith  
City Attorney**

**Liz Maland  
City Clerk**

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

**Tuesday, June 28, 2016**

**AGENDA FOR THE  
REGULAR COUNCIL MEETING OF  
TUESDAY, JUNE 28, 2016, AT 10:00 AM  
CITY ADMINISTRATION BUILDING  
COUNCIL CHAMBERS – 12<sup>TH</sup> FLOOR  
202 “C” STREET  
SAN DIEGO, CA 92101**

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

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

**NOTE: The public portion of the meeting will begin at 9:00 a.m. for public comment on Closed Session items. The City Council will meet in Closed Session this morning from 9:00 a.m. – 10:00 a.m. Copies of the Closed Session agenda are available in the Office of the City Clerk.**

**OTHER LEGISLATIVE MEETINGS**

The **SAN DIEGO HOUSING AUTHORITY** is scheduled to meet today in the Council Chambers. A separate agenda is published for it, and is available in the Office of the City Clerk. For more information, please contact the Housing Authority Secretary at (619) 578-7564. Internet access to the agenda is available at:  
<http://www.sdhc.org/Media-Center/SDHC-Meetings/Housing-Authority-Meetings/>

**ROLL CALL**

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF COUNCIL MINUTES**

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

05/16/2016  
05/17/2016

**ADOPTION AGENDA, CONSENT ITEMS**

The Consent items listed are considered to be routine, and the environmental documents have been considered. These items are indicated on the docket by a preceding asterisk (\*). Because these items may be handled quickly, if you wish to be heard submit your Request to Speak from prior to the start of the meeting.

**ADOPTION AGENDA, CONSENT ITEMS**

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

- \* ITEM-50: Approve an Ordinance to Extend the Existing Agreements with the City's Contracted Licensed Impound and Tow Providers for more than Five Years for Towing and Impound Services.

**ITEM DESCRIPTION:**

This item is to approve an extension to the current Agreements with the City's contracted Licensed Impound Providers and the Licensed Towing providers for towing services through August 1, 2017. These include seven Licensed Tow Providers (LTP) and two Licensed Impound Providers (LIP) who provide tow services to the City for the City's Managed Tow Program.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 6/14/2016, Item 50. (Council voted 8-0. Councilmember Sherman-not present):

(O-2016-118)

Authorizing the Mayor, or his designee, to execute for and on behalf of the City, a Third Amendment to the contract with A to Z Towing Enterprises, Inc., doing business as RoadOne, for Licensed Impound Provider services in tow zones 2b, 3, 4, 5, and 8, extending the existing five-year Agreement for one year, through August 1, 2017;

Authorizing the Mayor, or his designee, to execute for and on behalf of the City, a Third Amendment to the contract with Allied Gardens Towing, Inc., doing business as RoadOne, for Licensed Impound Provider services in tow zones 1, 2a, 6, and 7, extending the existing five-year Agreement for one year, through August 1, 2017;

Authorizing the Mayor, or his designee, to execute for and on behalf of the City, a Fourth Amendment to the contract with A to Z Towing Enterprises, Inc., doing business as RoadOne, for Licensed Tow Provider services in tow zones 1, 2, 3, 4, 5, 6, 7, and 8, extending the existing five-year Agreement for one year, through August 1, 2017;

Authorizing the Mayor, or his designee, to execute for and on behalf of the City, a Fourth Amendment to the contract with Allied Gardens Towing, Inc., doing business as RoadOne, for Licensed Tow Provider services in tow zones 1, 2, 3, 4, 5, 6, 7, and 8, extending the existing five-year Agreement for one year, through August 1, 2017;

Authorizing the Mayor, or his designee, to execute for and on behalf of the City, a Fourth Amendment to the contract with C&D Towing Specialists, Inc., for Licensed Tow Provider services in tow zones 2, 4, 5, 6, and 7, extending the existing five-year Agreement for one year, through August 1, 2017;

Authorizing the Mayor, or his designee, to execute for and on behalf of the City, a Fourth Amendment to the contract with Alexandra Investment, Inc., doing business as Angelo's Towing, for Licensed Tow Provider services in tow zones 3, 4, 5, 6, and 7, extending the existing five-year Agreement for one year, through August 1, 2017;

Authorizing the Mayor, or his designee, to execute for and on behalf of the City, a Fourth Amendment to the contract with Guardian Towing, Inc., for Licensed Tow Provider services in tow zone 1, extending the existing five-year Agreement for one year, through August 1, 2017;

Authorizing the Mayor, or his designee, to execute for and on behalf of the City, a Fourth Amendment to the contract with American Towing, Inc., for Licensed Tow Provider services in tow zone 8, extending the existing five-year Agreement for one year, through August 1, 2017;

Authorizing the Mayor, or his designee, to execute for and on behalf of the City, a Fourth Amendment to the contract with Cortes Towing Enterprises, Inc., for Licensed Tow Provider services in tow zone 8, extending the existing five-year Agreement for one year, through August 1, 2017.

- \* ITEM-51: Second Amendment to Agreement with AECOM Technical Services, Inc., for the Sorrento Valley Road/I-5 Interchange Project. (Torrey Pines, and Torrey Hills Community Areas. District 1.)

**ITEM DESCRIPTION:**

This action will authorize the Second Amendment to Agreement with AECOM Technical Services, Inc., for the preparation of a study report for the potential development opportunities along Sorrento Valley Road from Carmel Mountain Road to the I-805.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 6/14/2016, Item 51. (Council voted 8-0. Councilmember Sherman-not present):

(O-2016-134)

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City, a Second Amendment to the Consultant Agreement with AECOM Technical Services, Inc., for preliminary engineering design in CIP S-00914, Sorrento Valley Road & Interstate 5 Interchange, in an amount not to exceed \$71,360, under the terms and conditions set forth in the Second Amendment to Agreement;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$71,360 from S-00914, Sorrento Valley Road & Interstate 5 Interchange, Fund No. 400169, TransNet Extension 7, for the purposes of executing this Second Amendment to the Agreement.

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

- \* ITEM-52: First Amendment to Reimbursement Agreement with Pardee Homes for the design and construction of Project No. T-7, Traffic Signals in the Pacific Highlands Ranch Community. (Pacific Highlands Ranch Community Area. District 1.)

**ITEM DESCRIPTION:**

Amend the Reimbursement Agreement for Project No. T-7, traffic signals in Pacific Highlands Ranch to update the last estimate and add a traffic signal located at Pacific Highlands Ranch Parkway and Blazing Star Lane.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 6/14/2016, Item 52. (Council voted 8-0. Councilmember Sherman-not present):

(O-2016-68)

Authorizing the Mayor to execute, for and on behalf of the City, the Amendment to include traffic signal No. 17 in Project No. T-7, and to increase the Estimated Project Cost to \$476,000;

Authorizing the Chief Financial Officer, provided the Amendment is authorized and fully executed, to expend an amount not to exceed \$476,000 for Project No. T-7, from CIP S-01062, Pacific Highlands Ranch Traffic Signals, Fund No. 400090, Pacific Highlands Ranch FBA, consistent with the timing established in the FY 2016 Pacific Highlands Ranch Public Facilities Financing Plan, the Original Agreement, the Amendment, and contingent upon Chief Financial Officer 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-53: First Amendment to Agreement with Nasland Engineering for the Coastal Rail Trail Project. (Torrey Pines and University Community Areas. District 1.)

**ITEM DESCRIPTION:**

This Council action will authorize the expenditure of funds for Nasland Engineering to provide Environmental Document support and to prepare the Final Engineering Plans, Specifications, Estimates (PSE) as stated in the scope of services for Phase 1 of the Coastal Rail Trail Project.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 6/14/2016, Item 60, Subitem A. (Council voted 8-0. Councilmember Sherman-not present):

(O-2016-133)

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City, the First Amendment to an Agreement with Nasland Engineering for design services in CIP S-00951, Coastal Rail Trail Project, in an amount not to exceed \$749,545 under the terms and conditions set forth in the Agreement;

Authorizing the expenditure of an amount not to exceed \$749,545 from WBS No. S-00951, Coastal Rail Trail, Fund No. 400169, TransNet Extension 70% Cap for the purpose of executing this Amendment to the Agreement for the purpose of providing funds for the above-referenced Project, 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;

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

\* ITEM-54: This item has been removed from today's docket.

\* ITEM-55: I-Bank Infrastructure State Revolving Fund Program Loan for San Diego Convention Center Sails Pavilion and Capital Improvements. (Citywide.)

**ITEM DESCRIPTION:**

Authorization to implement an Infrastructure State Revolving Fund (ISRF) Loan and take other necessary actions to enable the City to facilitate the funding of the San Diego Convention Center Improvements.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinances which were introduced on 6/14/2016, Item 330, Subitems A and B. (Council voted 8-0. Councilmember Sherman-not present):

Subitem-A: (O-2016-124)

Finding and determining that the statements set forth above in the recitals to this Ordinance are true and correct;

Approving, ratifying, and affirming all actions heretofore taken by the City's representatives in connection with financing for the Project, including the submission of the application to the IBank;

Declaring its official intent to use certain proceeds of the Obligation to reimburse itself for expenditures reimbursable with the proceeds of tax exempt bonds or other tax exempt securities under the provisions of the Internal Revenue Code of 1986, as amended, and those U.S. Treasury Regulations implementing such provisions (collectively, Federal Tax Law). This declaration is made solely for purposes of establishing compliance with applicable requirements of Federal Tax Law. This declaration does not bind the City to make any expenditure, incur any indebtedness, or proceed with the Project;

Authorizing and directing the Mayor, the Chief Operating Officer, the Chief Financial Officer (Authorized Officers) or any of each of their designees, to act on behalf of the City and the City Council in all matters pertaining to the financing from IBank, including but not limited to the authority to (1) make payments for the Obligation from the City's General Fund and any other legally available sources; (2) make arrangements, including but not limited to entering into agreements with the Corporation to facilitate the financing of the Project; and (3) take any other action necessary or desirable to enable the City to enter into the Financing Agreements and incur the Obligation;

Declaring that if the Obligation is approved by IBank, the Authorized Officers or any of each of their designees is authorized to negotiate, enter into, and sign financing documents and any amendments thereto, including, but not limited to the Financing Agreements and the Replacement Agreements, with IBank for the purpose of financing the Obligation;

Declaring that a “Term Sheet” setting forth key terms for the contemplated Obligation. No contractual arrangement, or other obligation, for financing the Project exists between IBank and the City until all applicable parties have executed mutually-acceptable Financing Agreements.

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

Subitem-B: (O-2016-132)

Declaring and determining that the statements set forth above in the recitals to this Ordinance are true and correct;

Approving, ratifying, and affirming all actions heretofore taken by the City’s representatives in connection with entering into the Amendment and Operating Memorandum;

Authorizing and directing the Mayor, the Chief Operating Officer, the Chief Financial Officer (Authorized Officers) or any of each of their designees, to act on behalf of the City and the City Council in all matters pertaining to the Amendment and the Operating Memorandum for the purpose of enabling the City to enter into the Financing Agreements and incur the Obligation.

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

\* ITEM-56: Amendment to Municipal Code for Tourism Marketing District Procedural Ordinance. (Citywide.)

**ITEM DESCRIPTION:**

Adopt an Ordinance amending Chapter 6, Article 1, of the San Diego Municipal Code by amending Division 25, titled San Diego Tourism Marketing District Procedural Ordinance to clarify certain provisions for modifications to a District.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 6/14/2016, Item S501. (Council voted 8-0. Councilmember Sherman-not present):

(O-2016-139)

Amending Chapter 6, Article 1, Division 25, of the San Diego Municipal Code by amending Sections 61.2513, 61.2524, and 61.2526, all relating to Tourism Marketing District.

**ADOPTION AGENDA, CONSENT ITEMS  
ORDINANCES TO BE INTRODUCED:**

- \* ITEM-57: Alcohol Restrictions and Curfew Implementation at Miscellaneous Park Sites.  
(City Heights Area Planning Committee, Eastern Area Communities Planning Committee, Otay Mesa Planning Group, Otay Mesa-Nestor Community Planning Group, San Ysidro Community Planning Group and Uptown Planners Community Areas. District 3, 8, and 9.)

**ITEM DESCRIPTION:**

This item is to amend the San Diego Municipal Code to include additional Park and Recreation locations to Section 56.54 related to alcohol restrictions and to amend Section 63.0120 to enact a nighttime curfew at University Heights Open Space Park (the portions depicted in Map 63.0120-A).

**STAFF'S RECOMMENDATION:**

Introduce the following ordinances:

Subitem-A: (O-2016-140)

Introduction of an Ordinance amending Chapter 6, Article 3, Division 1, of the San Diego Municipal Code by amending Section 63.0120 to remove Amici Park and add a nighttime curfew at the University Heights Open Space Park, and by amending the Title of Section 63.0120.

Subitem-B: (O-2016-141)

Introduction of an Ordinance amending Chapter 5, Article 6, Division 00, of the San Diego Municipal Code by amending Section 56.54 relating to a 24 hour alcohol consumption prohibition in certain parks.

**STAFF SUPPORTING INFORMATION:**

FISCAL CONSIDERATIONS: None

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

This item was heard at the Public Safety and Livable Neighborhoods Committee meeting on May 18, 2016.

**ACTION:** Motion by Councilmember Gloria, second by Councilmember Cole, to recommend Council introduce the ordinance.

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

Parker/Graham

Primary Contact\Phone: Manuel Gonzalez\619-525-8286, MS 804C  
Secondary Contact\Phone: Becky Yzaguirre\619-525-8242, MS 804C  
City Attorney Contact: Powell, David L.

- \* ITEM-58: Ordinances amending San Diego Municipal Code Sections 23.0806 and 24.1001 to preclude provisional appointment of retired employees who have applied for unemployment insurance benefits as a result of their prior provisional employment with the City.

**ITEM DESCRIPTION:**

This item is to approve two ordinances, Subitems A, and B. Subitem A - one ordinance modifying San Diego Municipal Code Section 23.0806, and Subitem B - one ordinance modifying Section 24.1001. Both are related to provisional appointments.

**STAFF'S RECOMMENDATION:**

Introduce the following ordinances:

Subitem-A: (O-2016-123)

Introduction of an Ordinance amending Chapter 2, Article 4, Division 10, of the San Diego Municipal Code by amending Section 24.1001 relating to the City's Retirement System.

Subitem-B: (O-2016-42)

Introduction of an Ordinance amending Chapter 2, Article 3, Division 8, of the San Diego Municipal Code by amending Section 23.0806 relating to provisional appointment.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

The City is self-insured for California unemployment insurance and as such, reduction in the amount of unemployment insurance claims would be a cost savings to the City. During the first three quarters of Fiscal Year 2016, the City has paid \$6,931 in unemployment benefits on claims made by provisional employees at the end of their provisional employment.

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

City of San Diego Civil Service Commission approved revisions to Civil Service Rule VII, Section A (April 7, 2016).

von Kalinowski/Villa

Primary Contact\Phone: Abby Jarl-Veltz\619-236-6314

Secondary Contact\Phone: Judy von Kalinowski\619-236-6313

City Attorney Contact: Story Parks, Roxanne and Gersten, William J.

\* ITEM-59: Request to exempt eighteen (18) positions added in the Fiscal Year 2017 Adopted Budget from the Classified Service.

**ITEM DESCRIPTION:**

This action is to exempt eighteen (18) positions added in the Fiscal Year 2017 Adopted Budget from the Classified Service.

**STAFF'S RECOMMENDATION:**

Introduce the following ordinances:

Subitem-A: (O-2016-144)

Introduction of an Ordinance receiving and reviewing a Memorandum from Personnel Director Hadi Dehghani, dated June 8, 2016, which documents that, on June 2, 2016, the City's Civil Service Commission reviewed and favorably commented on a proposal from the Office to exempt one Program Coordinator position from the Classified Service. The Program Coordinator position will be responsible for overseeing multiple administrative functions within the Office's three divisions;

Declaring that pursuant to Charter Section 117(a)(17), with the Civil Service Commission's review and approval, the City Council exempts from the Classified Service and declares to be in the Unclassified Service of the City one Program Coordinator position, performing the duties set forth in the June 8, 2016, Memorandum from Personnel Director Hadi Dehghani to the Honorable Council President and City Council, and in this Ordinance.

Subitem-B: (O-2016-145)

Introduction to an Ordinance receiving and reviewing a Memorandum from Personnel Director Hadi Dehghani, dated June 8, 2016, which documents that, on June 2, 2016, the City's Civil Service Commission reviewed and favorably commented on a proposal from the Department to exempt one Program Manager position from the Classified Service. The Program Manager position will be responsible for conducting cost-benefit analysis of loan options and making recommendations regarding loan options in accordance with the City's Debt Policy; administering loan contracts to ensure timely payments; monitoring and reporting loan commitments to various state and federal agencies; and acting as the primary contact for the City Council and Independent Budget Analyst on City Council actions, fiscal impacts, and the overall Loan Program;

Declaring that pursuant to Charter Section 117(a)(17), with the Civil Service Commission's review and approval, the City Council exempts from the Classified Service and declares to be in the Unclassified Service of the City one Program Manager position, performing the duties set forth in the June 8, 2016, Memorandum from Personnel Director Hadi Dehghani to the Honorable Council President and City Council, and in this Ordinance.

Subitem-C: (O-2016-146)

Introduction of an Ordinance receiving and reviewing a Memorandum from Personnel Director Hadi Dehghani, dated June 8, 2016, which documents that, on June 2, 2016, the City's Civil Service Commission reviewed and favorably commented on a proposal from the Department to exempt three Program Coordinator positions from the Classified Service. The Fiber and Cable Infrastructure Program Coordinator position will be responsible for managing the City's fiber network buildout to support high-speed networking and video. The Learning and Training Program Coordinator position will be responsible for administration of, monitoring, problem solving, and assessment of system functionality that help to facilitate the SAP Learning & Training Program. The Reporting and Dashboard Program Coordinator position will be responsible for problem solving and recommending solutions that effectively utilize SAP and non-SAP data and SAP Business Warehouse/Business Objects for executive and managerial use;

Declaring that pursuant to Charter Section 117(a)(17), with the Civil Service Commission's review and approval, the City Council exempts from the Classified Service and declares to be in the Unclassified Service of the City three Program Coordinator positions, performing the duties set forth in the June 8, 2016, Memorandum from Personnel Director Hadi Dehghani to the Honorable Council President and City Council, and in this Ordinance;

Subitem-D: (O-2016-147)

Introduction of an Ordinance receiving and reviewing a Memorandum from Personnel Director Hadi Dehghani, dated June 8, 2016, which documents that, on June 2, 2016, the City's Civil Service Commission reviewed and favorably commented on a proposal from the Department to exempt one Program Manager position from the Classified Service. The Program Manager position will be responsible for identifying, developing, and implementing training to ensure that staff is properly trained on enforcing Municipal and State Building Codes and performing inspections in a consistent and efficient manner; assessing workload levels and addressing operational needs to maintain department performance levels; providing guidance and direction to inspection staff regarding building project issues; and addressing complaints from developers, contractors, and homeowners with tact and political acumen;

Declaring that pursuant to Charter Section 117(a)(17), with the Civil Service Commission's review and approval, the City Council exempts from the Classified Service and declares to be in the Unclassified Service of the City one Program Manager position, performing the duties set forth in the June 8, 2016, Memorandum from Personnel Director Hadi Dehghani to the Honorable Council President and City Council, and in this Ordinance.

Subitem-E: (O-2016-148)

Introduction of an Ordinance receiving and reviewing a Memorandum from Personnel Director Hadi Dehghani, dated June 8, 2016, which documents that, on June 2, 2016, the City's Civil Service Commission reviewed and favorably commented on a proposal from the Department to exempt one Program Manager position from the Classified Service. The Program Manager position will be responsible for reviewing current operations and developing and implementing strategic initiatives that affect public safety and reduce the impact that frequent 911 users have on the EMS system; managing a team of specially trained community paramedics who provide crisis intervention and follow-up care for vulnerable populations to ensure they are connected to the appropriate resources; developing policies, procedures, and best practices to promote continuity of care for the patients served by the program; providing recommendations to further develop the community paramedic component of the program; and providing recommendations to Fire-Rescue Department management for community initiatives, policies, and procedures for dealing with vulnerable populations;

Declaring that pursuant to Charter Section 117(a)(17), with the Civil Service Commission's review and approval, the City Council exempts from the Classified Service and declares to be in the Unclassified Service of the City one Program Manager position, performing the duties set forth in the June 8, 2016, Memorandum from Personnel Director Hadi Dehghani to the Honorable Council President and City Council, and in this Ordinance.

Subitem-F: (O-2016-149 Cor. Copy) (Rev. 6/27/16)

Introduction of an Ordinance receiving and reviewing the memorandum from Personnel Director Hadi Dehghani, dated February 8, 2016, which documents that, on February 4, 2016, the City's Civil Service Commission reviewed and favorably commented on a proposal from the Department to exempt one Principal Planner position from the Classified Service. The Principal Planner position will be responsible for developing plans for capital improvement projects; coordinating and developing all California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) documents; and representing the Department on solid waste management, waste reduction, and inter-departmental projects before the City Council, external agencies, public meetings, and at conferences;

Declaring that pursuant to Charter Section 117(a)(17), with the Civil Service Commission's review and approval, the City Council exempts from the Classified Service and declares to be in the Unclassified Service of the City one Principal Planner position, performing the duties set forth in the February 8, 2016, memorandum from Personnel Director Hadi Dehghani to the Honorable

Council President and City Council, and in this ordinance;

Introduction of an Ordinance receiving and reviewing the memorandum from Personnel Director Hadi Dehghani, dated June 8, 2016, which documents that, on June 2, 2016, the City's Civil Service Commission reviewed and favorably commented on a proposal from the Department to exempt one Program Coordinator position from the Classified Service. The Program Coordinator position will be responsible for energy support of the City's Climate Action Plan, which sets forth strategies to achieve attainable greenhouse gas reduction targets in the City, as well as evaluating the best use cases for solar and energy storage to optimize savings; coordinating the Climate Action Plan, Municipal Inter-departmental Energy Program, and Community Choice Aggregation to facilitate the purchase of renewable energy to assist the City in meeting the goal of 100% renewable by 2035; serving as liaison to the Sustainable Energy Advisory Board; and representing the Department at City Council, Council Committee, and community group meetings to discuss program and policy;

Declaring that pursuant to Charter Section 117(a)(17), with the Civil Service Commission's review and approval, the City Council exempts from the Classified Service and declares to be in the Unclassified Service of the City one Program Coordinator position, performing the duties set forth in the June 8, 2016, memorandum from Personnel Director Hadi Dehghani to the Honorable Council President and City Council, and in this ordinance. (Rev. 6/27/16)

Subitem-G: (O-2016-150)

Introduction of an Ordinance receiving and reviewing a Memorandum from Personnel Director Hadi Dehghani, dated June 8, 2016, which documents that, on June 2, 2016, the City's Civil Service Commission reviewed and favorably commented on a proposal from the Department to exempt one Program Manager position and three Program Coordinator positions from the Classified Service. The Program Manager position will be responsible for overseeing the City's 311 CxSD Program. The first two Program Coordinator positions will lead the development of specific components of the CxSD Program. The third Program Coordinator position will be responsible for overseeing efforts within the Open Data Section to improve the workflow of City employees;

Declaring that pursuant to Charter Section 117(a)(17), with the Civil Service Commission's review and approval, the City Council exempts from the Classified Service and declares to be in the Unclassified Service of the City one Program Manager position and three Program Coordinator positions, performing the duties set forth in the June 8, 2016, Memorandum from Personnel Director Hadi Dehghani to the Honorable Council President and City Council, and in this Ordinance.

Subitem-H: (O-2016-151)

Introduction of an Ordinance receiving and reviewing a Memorandum from Personnel Director Hadi Dehghani, dated June 8, 2016, which documents that, on June 2, 2016, the City's Civil Service Commission reviewed and favorably commented on a proposal from the Department to exempt two Assistant Deputy Director positions and one Program Manager position from the Classified Service. The Assistant Deputy Director position in the Construction Management and Field Services Division will serve as the City's Geologist/Geotechnical Engineer. The Assistant Deputy Director position in the Project

Implementation Division will serve as the Operations Manager over technical functions groups and provide guidance and recommendations to Section Managers and their teams in performing a wide variety of functions in support of the implementation of CIP projects. The Program Manager position in the Facilities Division will be responsible for developing, coordinating, and implementing internal operational policy and procedural changes related to asset management, customer service, and facility maintenance and repair strategies to improve operational efficiencies;

Declaring that pursuant to Charter Section 117(a)(17), with the Civil Service Commission's review and approval, the City Council exempts from the Classified Service and declares to be in the Unclassified Service of the City two Assistant Deputy Director positions and one Program Manager position, performing the duties set forth in the June 8, 2016, Memorandum from Personnel Director Hadi Dehghani to the Honorable Council President and City Council, and in this Ordinance.

Subitem-I: (O-2016-152)

Introduction of an Ordinance receiving and reviewing a Memorandum from Personnel Director Hadi Dehghani, dated June 8, 2016, which documents that, on June 2, 2016, the City's Civil Service Commission reviewed and favorably commented on a proposal from the Department to exempt two Program Manager positions from the Classified Service. The first Program Manager position will be responsible for developing and implementing policies and procedures aimed at enhancing customer service in response to concerns raised from a recent Citywide Resident Satisfaction Survey. The second Program Manager position will be responsible for managing the daily operations of the Storm Water Operations and Maintenance section, including efforts to protect and improve water quality and to reduce flood risk through efficient storm water management;

Declaring that pursuant to Charter Section 117(a)(17), with the Civil Service Commission's review and approval, the City Council exempts from the Classified Service and declares to be in the Unclassified Service of the City two Program Manager positions, performing the duties set forth in the June 8, 2016, Memorandum from Personnel Director Hadi Dehghani to the Honorable Council President and City Council, and in this Ordinance.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

None; these positions were approved in the Fiscal Year 2017 Adopted Budget.

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

Vespi/Lewis

Primary Contact\Phone: Matthew Vespi\619-236-6882

Secondary Contact\Phone: Nicholas O'Donnell\619-236-6918

City Attorney Contact: Dawson, Joan F.

**ADOPTION AGENDA, CONSENT ITEMS**

**ORDINANCES TO BE INTRODUCED READY FOR DISPENSING WITH THE READING AND ADOPTION:**

- \* ITEM-60: Setting the Tax Levy for the Zoological Exhibits Maintenance for FY 2017.  
(Citywide.)

**ITEM DESCRIPTION:**

City Council is requested to adopt an ordinance setting the tax rate for funding of Zoological Exhibits Maintenance by the last day of August of each year to meet the tax levy deadline determined by the County Assessor. The tax levy for Zoological Exhibits Maintenance is \$0.005 per \$100 of assessed valuation. Funding is appropriated in the Fiscal Year 2017 Annual Budget for Zoological Exhibits Maintenance in the amount of \$12,581,204.

**STAFF'S RECOMMENDATION:**

Introduce and adopt the following ordinance:

(O-2016-143)

Introduction and adoption of an Ordinance declaring pursuant to the provisions of the San Diego Charter Section 75, Article XIII A of the State Constitution and the State Legislation adopted pursuant thereto, there is hereby fixed a rate of taxation of five thousandths percent (0.005%) for the Zoological Exhibits on each one hundred dollars' valuation of taxable property (full value) within the City of San Diego for the Fiscal Year 2016, and that the rate is hereby levied on all taxable property, both real and personal, in the City of San Diego. This amount is required to be levied by Section 77a of the Charter;

Declaring that the taxes hereby levied shall be due and payable and shall be collected at the same time and in the same manner as State and County taxes in the County of San Diego.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

Funding is appropriated in the Fiscal Year 2017 Annual Budget for Zoological Exhibits Maintenance in the amount of \$12,581,204.

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

Vespi/Lewis

Primary Contact\Phone: Lisa Celaya\619-236-6613, MS 8A  
Secondary Contact\Phone: Dave Oñate\619-533-4031, MS 8A  
City Attorney Contact: Will, Brant C.

ADOPTION AGENDA, CONSENT ITEMSRESOLUTIONS:

- \* ITEM-100: User Fee Adjustment for Airports Division. (Kearny Mesa, Otay Mesa Community Areas. Districts 6, and 8.)

ITEM DESCRIPTION:

Airports Division reviewed airport user fees in accordance with Council Policy 100-5. As a result, Airports is proposing to increase fuel flowage fees and transient aircraft parking fees to levels consistent with comparable airports in the Federal Aviation Administration (FAA) Western-Pacific Region. The proposed adjusted fees will commence July 1, 2016, if approved by Council.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2016-593)

Authorizing the following increases in the fuel flowage fees and transient aircraft parking fees at the City of San Diego's Montgomery-Gibbs Executive Airport and Brown Field Airport commencing July 1, 2016:

**FY2017, beginning July 1, 2016:**

Increase flowage fee for aviation oil from \$0.09/gallon to \$0.095/gallon.

Increase fuel flowage fee for Avgas from \$0.07/gallon to \$0.08/gallon.

Increase fuel flowage fee for jet fuel from \$0.07/gallon to \$0.085/gallon.

Increase transient aircraft parking fee for single-engine aircraft from \$5/night to \$6/night.

Increase transient aircraft parking fee for multi-engine aircraft from \$5/night to \$7/night.

**FY2018, beginning July 1, 2017:**

Increase flowage fee for aviation oil from \$0.095/gallon to \$0.10/gallon.

Increase fuel flowage fee for Avgas from \$0.08/gallon to \$0.09/gallon.

Increase fuel flowage fee for jet fuel from \$0.085/gallon to \$0.10/gallon.

Increase transient aircraft parking fee for single-engine aircraft from \$6/night to \$7/night.

Increase transient aircraft parking fee for multi-engine aircraft from \$7/night to \$9/night.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

FY2017, beginning July 1, 2016:

Increase flowage fee for aviation oil from \$0.09/gallon to \$0.095/gallon.

Increase fuel flowage fee for Avgas from \$0.07/gallon to \$0.08/gallon.

Increase fuel flowage fee for jet fuel from \$0.07/gallon to \$0.085/gallon.

Increase transient aircraft parking fee for single-engine aircraft from \$5/night to \$6/night.

Increase transient aircraft parking fee for multi-engine aircraft from \$5/night to \$7/night.

FY2018, beginning July 1, 2017:

Increase flowage fee for aviation oil from \$0.095/gallon to \$0.10/gallon.

Increase fuel flowage fee for Avgas from \$0.08/gallon to \$0.09/gallon.

Increase fuel flowage fee for jet fuel from \$0.085/gallon to \$0.10/gallon.

Increase transient aircraft parking fee for single-engine aircraft from \$6/night to \$7/night.

Increase transient aircraft parking fee for multi-engine aircraft from \$7/night to \$9/night.

Total fuel flowage fees collected in FY2015 (Actual): \$322,773.

Projected revenue increase in FY2017 with new fee is \$58,099, for a total projected revenue of \$380,872.

Projected revenue increase in FY2018 with new fee is \$57,131, for a total projected revenue of \$438,003.

Total transient aircraft parking fees collected in FY2015 (Actual): \$28,407.

Projected revenue increase in FY2017 with new fee is \$7,102, for a total projected revenue of \$35,509.

Projected revenue increase in FY2018 with new fee is \$6,747, for a total projected revenue of \$42,255.

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

This item was reviewed at the Budget and Government Efficiency Committee meeting on May 25, 2016.

**ACTION:** Motion by Councilmember Sherman, second by Councilmember Cole, to recommend Council approval of the resolution.

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

Thompson/Villa

Primary Contact\Phone: Wayne Reiter\858-573-1436, MS 14

Secondary Contact\Phone: Rod Propst\858-573-1441, MS 14

City Attorney Contact: Bevier, Debra J.

- \* ITEM-101: Landscape Contract with Blue Skies Landscape Maintenance, Inc., for Miramar Ranch North Maintenance Assessment District (Bid No. 10052796-16-M). (Scripps Miramar Ranch Community Area. District 5.)

**ITEM DESCRIPTION:**

This action would authorize exceeding the \$3 million threshold on a landscape maintenance contract with Blue Skies Landscape Maintenance, Inc., for the purpose of providing landscape maintenance services to the Miramar Ranch North Maintenance Assessment District (MAD) in an amount not to exceed \$3,876,130 over a period of five years beginning in Fiscal Year 2017.

**STAFF'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2016-736)

Authorizing and directing the Mayor, or designee, to execute, on behalf of the City, a five-year contract with Contractor to furnish the District with landscape maintenance and activities under the terms and conditions set forth in the contract, in an amount not to exceed \$3,876,130 during the term of the Contract;

Authorizing the Chief Financial Officer to expend funds in an amount not to exceed \$3,876,130 over the five-year term of the Contract, from Fund No. 200047, Miramar Ranch North Maintenance Assessment District (Mad), for the purpose of funding the Contract, contingent upon approval of the Annual Appropriation Ordinance for applicable fiscal years, and contingent upon the Chief Financial Officer furnishing one or more certificates certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

Subitem-B: (R-2016-739)

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

Determining that an exception to the exemption as set forth in CEQA Guidelines Section 15300.2 does not apply.

**STAFF SUPPORTING INFORMATION**

**FISCAL CONSIDERATIONS:**

Total contract cost over the maximum term is estimated at \$3,876,130 (see Attachment 1). Funding is available from the Miramar Ranch North Maintenance Assessment District (Fund No. 200047) for Fiscal Year 2017 and additional funds for future phases will be available in future years from the Miramar Ranch North Maintenance Assessment District (MAD) contingent upon available reserves, approval to levy future annual assessments, and approval of the Annual District Budget and Appropriation Ordinance.

Cost estimates for future years include a cost indexing factor of a maximum of 5% annually based on changes to the Consumer Price Index and Living Wage Ordinance in accordance with contract specifications. Historically, the actual amount of the allowable cost indexing increase has generally been less than the 5% projection; however, the 5% basis is the most conservative approach and is provided as the maximum indexing amount in the terms of the contract. Additional contingency funds are included in the cost estimate for any unforeseen needs in the district. Any unspent funds will be returned to the district fund balance.

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

Miramar Ranch North Maintenance Assessment District was re-engineered in Fiscal Year 1999 for compliance with Proposition 218. The District was re-balloted for Fiscal Year 2003 to allow for an increase in assessments and additional District improvements.

This item was heard and approved at the Public Safety and Livable Neighborhoods Committee meeting on June 15, 2016.

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

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

Parker/Graham

Primary Contact\Phone: Paul Sirois\619-685-1307, MS 5D  
Secondary Contact\Phone: Rosa Lopez\619-685-1316, MD 5D  
City Attorney Contact: Skogen, Daphne Z.

- \* ITEM-102: Resolution approving the establishment of the Fiscal Year 2017 Tax Appropriations Limit (Gann Limit) in the amount of \$2,305,382,355.

**ITEM DESCRIPTION:**

This item establishes the Fiscal Year 2017 Tax Appropriations Limit (Gann Limit) as required under California Law, Division 9, of the Government Code.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2016-734)

Establishing a Tax Appropriations Limit for the City of San Diego of \$2,305,382,355, pursuant to the authority of California Government Code, Division 9, Title 1 (Sections 7900 *et seq.*);

Certifying that, pursuant to the requirements of Section 7910 of the California Government Code, the document upon which the Tax Appropriation Limit herein established has been determined, has been made available for public information and review 15 days prior to the meeting at the Office of the City Clerk.

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

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

It is recommended that the highest adjustment factor of 1.0968 be used for establishing the Fiscal Year 2017 Tax Appropriations Limit. Selecting the other three (lower) adjustment factors would result in a lower Tax Appropriations Limit which would lower the base used for the calculation of the limit in future years and thus could lower the City's ability to appropriate tax revenues. Subsequently, the use of 1.0968 as the adjustment factor will result in a Tax Appropriations Limit for Fiscal Year 2017 of \$2,305,382,355.

**PREVIOUS COUNCIL and/or COMMITTEE ACTION:**

Since the inception of the Gann Initiative in 1979, the City Council has adopted a Tax Appropriations Limit annually.

Vespi/Lewis

Primary Contact\Phone: Lisa Celaya\619-236-6913  
City Attorney Contact: Will, Brant C.

\* ITEM-103: Reappointment of Robert Robinson to the Civic San Diego Board of Directors.

**COUNCIL PRESIDENT LIGHTNER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2016-728)

Council confirmation of the following reappointment by the Council of the City of San Diego, to serve as the representative of the City Council on the Board of Directors of Civic San Diego, for a term ending as indicated:

<b><u>NAME</u></b>	<b><u>CATEGORY</u></b>	<b><u>TERM ENDING</u></b>
Robert Robinson (Broadway Heights, District 4) (Reappointment)	Council Representative	May 1, 2018

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

\* ITEM-104: Reappointments and Appointments to the International Affairs Board.

**MAYOR FAULCONER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2016-731)

Council confirmation of the following appointments and reappointments by the Mayor of the City of San Diego, to serve as members of the International Affairs Board, for terms expiring as indicated:

<b><u>NAME</u></b>	<b><u>TERM ENDING</u></b>
Kathleen Charla (Linda Vista, District 7) (Reappointment)	March 1, 2018
Bob Morris (Bankers Hill, District 3) (Reappointment)	March 1, 2008
Deborah Flores (Linda Vista, District 7) (Reappointment)	March 1, 2008
Roberto Alcantar (Nestor, District 8) (Reappointment)	March 1, 2018
Caroleen L. Williams (Coronado) (Filling the seat previously held by Rita Lim-Wilby)	March 1, 2008
George Novinger (Jamul) (Filling the seat previously held by Emiliano Aragon)	March 1, 2018

PROCLAMATIONS/CEREMONIAL ITEMS

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

ITEM-30: John Peterson Day.

**PRESENTED BY COUNCILMEMBER SHERMAN:**

Proclaiming June 28, 2016, to be "John Peterson Day" in the City of San Diego.

ITEM-31: Imperial Boxing Youth Athletics Day.

**PRESENTED BY COUNCILMEMBER ALVAREZ:**

Proclaiming June 28, 2016, to be "Imperial Boxing Youth Athletics Day" in the City of San Diego.

ITEM-32: Howard Oleff Day.

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

Proclaiming June 28, 2016, to be "Howard Oleff 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: Law Day.

**COUNCIL PRESIDENT LIGHTNER'S RECOMMENDATION:**

Proclaiming May 1, 2016, to be "Law Day" in the City of San Diego.

ITEM-34: Building Safety Month.

**COUNCIL PRESIDENT LIGHTNER'S RECOMMENDATION:**

Proclaiming the month of May 2016, to be "Building Safety Month" in the City of San Diego.

ITEM-35: Alan Alvarez Day.

**COUNCIL PRESIDENT LIGHTNER'S RECOMMENDATION:**

Proclaiming May 7, 2016, to be "Alan Alvarez Day" in the City of San Diego.

ITEM-36: Kids' Turn San Diego.

**COUNCILMEMBER ALVAREZ RECOMMENDATION:**

Proclaiming June 4, 2016, to be "Kids' Turn San Diego" in the City of San Diego.

**SPECIAL ORDERS OF BUSINESS**

None.

**NON-AGENDA PUBLIC COMMENT**

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

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

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

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

**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, DISCUSSION, OTHER LEGISLATIVE ITEMS  
ORDINANCES TO BE INTRODUCED:**

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

ITEM-330: Ordinance of the San Diego City Council approving the Amended and Restated Memorandum of Understanding Between the City of San Diego and Local 145, International Association of Fire Fighters (Local 145), regarding Post-Employment Health Benefits.

**ITEM DESCRIPTION:**

Ordinance of the San Diego City Council approving the Amended and Restated Memorandum of Understanding (MOU) between the City of San Diego (City) and Local 145, International Association of Fire Fighters (Local 145), regarding Post-Employment Health Benefits.

**STAFF'S RECOMMENDATION:**

Introduce the following ordinance:

(O-2016-153)

Introduction of an Ordinance approving and ratifying the Amended and Restated 15-Year Memorandum of Understanding (MOU) between the City of San Diego (City) and Local 145, International Association of Firefighters (Local 145), regarding Post-Employment Health Benefits.

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

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

The Fiscal Year 2017 impact is estimated to be \$551,200.

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

Ordinance O-20131-15 year Memorandum of Understanding (MOU), between the City of San Diego (City) and Local 145, International Association of Fire Fighters (Local 145), regarding Post-Employment Health Benefits; Resolution R-307431- Amendment to 15 year MOU between the City and Local 145, regarding Post-Employment Health Benefits.

von Kalinowski/Villa

Primary Contact\Phone: Karen DeCrescenzo\619-235-5802

Secondary Contact\Phone: Judy von Kalinowski\619-236-6313

City Attorney Contact: Story Parks, Roxanne

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS  
ORDINANCES TO BE INTRODUCED WITH RESOLUTIONS TO BE ADOPTED:

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

ITEM-331: Master Lease Agreement to Finance IAM System Implementation. (Citywide.)

**ITEM DESCRIPTION:**

This item is to approve the form of and execution of the Master Lease Agreement, in an amount not to exceed \$10 million, with Banc of America Public Capital Corp (“BAPCC”) to finance eligible General Fund portions of the implementation of the Infrastructure Asset Management System.

**STAFF'S RECOMMENDATION:**

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

Subitem-A: (O-2016-142)

Introduction of an Ordinance authorizing and directing the Mayor to finance the cost of implementing the IAM System using a Master Lease Agreement with Banc of America Public Capital Corp ("BAPCC");

Authorizing and directing the Mayor, the Chief Operating Officer, the Chief Financial Officer, or any of their designees, to execute, for and on behalf of the City of San Diego, a Master Lease Agreement with BAPCC for the purpose of financing the implementation of the IAM System. The Master Lease Agreement shall be substantially in the form presented to this Council, with such additions and changes therein as the Chief Operating Officer or Chief Financial Officer, in consultation with the City Attorney, shall approve as being in the best interest of the City; provided however that: (i) the acquisition cost of projects and equipment financed under the Master Lease Agreement shall not exceed \$10,000,000; (ii) the interest rate shall not exceed six percent (6%) annually; and (iii) the lease term of the Master Lease Agreement shall not exceed 7 years.

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

Subitem-B: (R-2016-732)

Finding and determining that the forgoing recitals are true and correct;

Declaring that this Declaration of Intent is made solely for the purpose of establishing compliance with Section 1.150-2 of the Treasury Regulations, and in accordance therewith the City declares its intention to incur Obligations, the proceeds of which will be used to pay, in part, for the costs of the Project (and related issuance costs, if any), including the reimbursement to the City for certain capital expenditures relating to the Project made prior to incurring the Obligations, provided however that this Declaration of Intent does not bind the City to make any expenditure, incur any indebtedness, or proceed with the Project.

### **STAFF SUPPORTING INFORMATION:**

#### **FISCAL CONSIDERATIONS:**

The Project will be financed on a 7-year term at an estimated 1.49% borrowing rate. The total repayment on the \$10 million General Fund portion is projected at \$10.6 million over FYs 2017 - 2025.

The semi-annual lease payments will be made from the General Fund's Operating Budget. Estimated lease payments for Fiscal Year 2017 have been included in the Fiscal Year 2017 Budget; future lease payments will be included in future budgets and City Council approval will be obtained through the annual budget process. The actual fiscal impact will depend on the actual amounts and timing of the project milestone payments to vendors, General Fund share of the expenditures, Lessor funding installment dates, and the interest rates.

The City would be under no obligation to draw down the full amount established under the line of credit. There is no commitment fee for establishing and maintaining the funding amount through the term of the Agreement. If alternate sources of funding are identified, or cash purchases ("pay go") are an option, the City will still have that flexibility.

#### **Reimbursement Resolution:**

Project expenses are expected to occur as milestone payments to various vendors and City Project Staff Costs will be incurred on an on-going basis. The City is anticipating financing these payments as reimbursements to the City after the acceptance of milestone payments. In order to do that, the City must adopt a reimbursement resolution in accordance with Section 1.150-2 of Treasury Regulations ("Regulations"). By adopting a reimbursement resolution the City will satisfy the Official Intent Requirement under the Regulations and be able to reimburse project and staff costs using funds available from the Lease-Purchase Agreement with BAPCC. Adoption of the reimbursement resolution will not obligate the City to expend any funds; it merely enables the City to get reimbursed for all qualified project and staff costs that the City fronted in implementing the Project.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

On March 16, 2016, the Infrastructure Committee recommended adoption of the resolution and approval of the Agreement with Deloitte for Systems Integrator Consulting Services for the IAM Project.

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

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

On April 5, 2016, approval of the Agreement with Deloitte for Systems Integrator Consulting Services for the IAM Project was unanimously approved by City Council via R-310321.

Kommi/Lewis

Primary Contact\Phone: Jyothi Pantulu\619-236-6917, MS 7B

Secondary Contact\Phone: Audra Antczak\619-236-6676, MS 7B

City Attorney Contact: Will, Brant C.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

RESOLUTIONS:

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

ITEM-332: Resolution Approving a Side Letter Agreement Between the City of San Diego and the San Diego Police Officers Association Related to the addition of Article 75, Parental Leave.

**ITEM DESCRIPTION:**

This item approves a Side Letter Agreement Between the City of San Diego (City) and the San Diego Police Officers Association (POA) to amend the Memorandum of Understanding (MOU) to add Article 75, Parental Leave.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2016-692)

Approving and ratifying the Side Letter Agreement between the City of San Diego (City) and Police Officers Association (POA), pursuant to the Meyers-Milias-Brown Act and City Council Policy 300-06.

**NOTE: 6 votes required pursuant to Charter Section 11.2.**

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

The fiscal impact for Fiscal Year 2017, through Fiscal Year 2020 is estimated to be \$728,796.

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

Resolution R-309613, Memorandum of Understanding (MOU) between the City of San Diego (City) and the San Diego Police Officers Association (POA) regarding terms and conditions of employment for Fiscal Years 2016 through 2020.

DeCrescenzo/Villa

Primary Contact\Phone: Judy von Kalinowski\619-236-6313

Secondary Contact\Phone: Karen DeCrescenzo\619-235-5802

City Attorney Contact: Dawson, Joan F.

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

ITEM-333: Resolution Approving a Side Letter Agreement Between the City of San Diego and San Diego Municipal Employees Association Related to Changes to Article 21G, Certification Pay for Police Department Dispatchers.

**ITEM DESCRIPTION:**

This items approves a Side Letter Agreement Between the City of San Diego (City) and San Diego Municipal Employees Association (MEA) Related to Changes to Article 21G, Certification Pay for Police Department Dispatchers.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2016-735)

Approving and ratifying the Side Letter Agreement between the City of San Diego (City) and the San Diego Municipal Employees Association (MEA), amending Article 21, Section G, of the Memorandum of Understanding (MOU), related to increased Certification Pay for Police Department Dispatchers, pursuant to the Meyers-Milias-Brown Act and City Council Policy 300-06.

**NOTE: 6 votes required pursuant to Charter Sections 11.2 and 70.2.**

**STAFF SUPPORTING INFORMATION**

**FISCAL CONSIDERATIONS:**

The estimated total impact over four years is \$4.8M.

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

Resolution R-310148, Memorandum of Understanding (MOU) between the City of San Diego (City) and the San Diego Municipal Employees Association (MEA) regarding terms and conditions of employment for Fiscal Years 2017, through 2020.

von Kalinowski/Chadwick

Primary Contact\Phone: Karen DeCrescenzo\619-235-5802  
Secondary Contact\Phone: Judy von Kalinowski\619-236-6313  
City Attorney Contact: Dawson, Joan F.

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

ITEM-334: Consideration of Recommendations from the Charter Review Committee Regarding a Potential Ballot Measure Related to Charter Section 43(d) Citizens' Review Board on Police Practices (CRB); and Related Waiver of Council Policy 000-21. (Citywide.)

**ITEM DESCRIPTION:**

Approve a waiver of the schedule in Council Policy 000-21 to consider a proposed ballot measure for the November 2016 election. Direct the City Attorney to prepare an ordinance including a proposed ballot measure for November 2016, to amend Charter Section 43(d) Citizens' Review Board on Police Practices, and to return to Council for consideration of the ordinance after the November 8, 2016, election has been called.

**TODAY'S ACTION IS:** (Rev. 6/23/16)

Adopt the following resolution:

(R-2016-729)

Waiving Council Policy 000-21 so that the Council may consider a proposed ballot measure and directing preparation of an ordinance including that measure;

Directing the City Attorney's Office to conduct legal analysis and work with staff to prepare an ordinance including a proposed ballot measure to amend Charter Section 43(d), regarding the Citizens' Review Board on Police Practices, and any other related Charter Sections as may be legally required, and return to Council for consideration of the ordinance after the November 8, 2016 Municipal General Election has been called.

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

**SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

The cost of placing measures on the November 2016 ballot is unknown at this time.

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

This item was first discussed at the Charter Review Committee meeting on June 11, 2015, at which time it was referred to the Public Safety and Livable Neighborhoods Committee with direction to include the participation of the Mayor's Office, Executive Director of the Citizens' Review Board on Police Practices, City Attorney's Office and the Charter Review Committee Consultant.

**ACTION:** Motion by Councilmember Cate, second by Councilmember Kersey.

**VOTE:** passed (3-0-1) with Councilmember Emerald absent.

The item was then heard at the Public Safety and Livable Neighborhoods Committee meeting on March 23, 2016.

**ACTION:** Motion by Councilmember Gloria, second by Councilmember Cole to: (1) amend the City Charter Section 43(d) to rename the Citizens' Review Board the Community Review Board, replace references to "City Manager" with "Mayor and City Council", require that the Review Board review all cases involving in-custody deaths and officer-related shootings, and replace references to "citizen" with "community member"; and

(2) recommend the Mayor's Office extend the terms of members from one year to two years, develop a process by which Citizens' Review Board members can audit Category II complaints and pull specific cases for review, and include funding for an independent counsel to provide additional advisory capacity to the Citizens' Review Board and recommend that the City Attorney retain outside counsel for this purpose.

**VOTE:** 4-0.

This item was then reviewed by the Charter Review Committee on April 20, 2016.

**ACTION:** Motion by Chair Lightner, second by Councilmember Emerald, to 1) approve the following recommended Charter changes: a) Rename the Citizen's Review Board as the Community Review Board on Police Practices, b) Replace references to the City Manager with Mayor and City Council, and c) Add to the Charter that the Review Board shall review all cases involving in-custody deaths and officer-related shootings; and

2) Recommend to the Mayor's Office the following changes in policies and practices could be implemented now and codified in the Municipal Code if the voters approve the above Charter changes: a) Extend the terms of the volunteers from one year to two years, b) Develop a process by which Community Review Board members can audit Category II complaints and pull specific cases for review, c) Include funding for independent counsel to provide additional advisory capacity to the Community Review Board, d) Provide additional Community Review Board staff resources, and e) Enhance the accessibility of policies and procedures; and

3) Request the City Attorney: a) Conduct legal analysis as to whether more information can be provided in the Case Review Rationale and Complaint Letters and b) Bring forward a contract for independent counsel for the Community Review Board to the full Council for approval in Fiscal Year 2017.

**VOTE:** 4-0; Lightner-yea, Cate-yea, Kersey-yea, Emerald-yea.

Jurado-Sainz

Primary Contact\Phone: Diana Jurado/Sainz\619-533-3920, MS 10A

Secondary Contact\Phone: Steve Hadley\619-236-6611, MS 10A

City Attorney Contact: Spivak, Sharon B.

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

ITEM-335: Fiscal Year 2017 Downtown Property and Business Improvement District (PBID) Annual Report. (Centre City, Downtown Community Area. District 3.)

**ITEM DESCRIPTION:**

State law requires that the City Council annually approve a report for the Downtown Property and Business Improvement District (PBID) for each fiscal year, except the first year, for which assessments are to be levied and collected to pay the costs of the improvements and activities described in the report. This action also authorizes the appropriation and expenditure of PBID funds.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2016-730)

Approving the Fiscal Year 2017 Report submitted for the Downtown Property and Business Improvement District (PBID);

Authorizing the Chief Financial Officer to appropriate and expend funds in an amount not to exceed \$7,800,061 from Downtown PBID Operating Funds, Fund 200108 for Fiscal Year 2017, contingent upon the adoption of the Fiscal Year 2017 Appropriation Ordinance and 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 appropriate and expend any monies deposited in the Downtown PBID Operating Funds, Fund 200108 in excess of estimated revenue and any carryover monies from the previous fiscal year for which said Fund(s) was created, contingent upon the adoption of the Fiscal Year 2017 Appropriation Ordinance and contingent upon the Chief Financial Officer furnishing a certificate certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the Chief Financial Officer to expend funds in an amount not to exceed \$410,141.26 from the General Fund for the purpose of paying the assessments levied upon City-owned parcels for FY 2017, contingent upon the adoption of the Fiscal Year 2017 Appropriation Ordinance and 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 appropriate and expend \$150,000 from Downtown PBID Operating Fund, Fund 200108 for the City's administration of the PBID for Fiscal Year 2017, contingent upon the adoption of the Fiscal Year 2017 Appropriation Ordinance and 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 appropriate and expend funds in an amount not to exceed \$20,300 from the Gas Tax Fund, Fund 200118, for the purpose of costs associated with median maintenance for FY 2017, contingent upon the adoption of the Fiscal Year 2017 Appropriation Ordinance and 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 manually bill and collect Assessments which are not billed by the County of San Diego, in the same time and manner as County taxes are collected, and all laws providing for the collection and enforcement of County taxes shall apply to the collection and enforcement of the Assessments.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

The proposed assessments to be levied and collected for FY 2017 is expected to be \$7,779,761. This will include an amount for assessments on City parcels (FY 2017 amount is \$410,141.26); and an allocation from the Gas Tax Fund for median maintenance for FY 2017 will be \$20,300.

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

The City Council approved the 10-year renewal of the Downtown Property and Business Improvement District (PBID) on May 12, 2015, under Resolution R-309673 and the Operating and Management Agreement on June 1, 2015, under Ordinance O-20490.

Caldwell/Graham

Primary Contact\Phone: Elizabeth Studebaker\619-533-4561, MS 56D

Secondary Contact\Phone: Luis Ojeda\619-236-6475, MS 56D

City Attorney Contact: Skogen, Daphne Z.

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

ITEM-336: Consideration of Recommendations from the Charter Review Committee Regarding a Potential Ballot Measure Related to Purchasing and Contracting Provisions in the City Charter; and Related Waiver of Council Policy 000-21. (Citywide.)

**ITEM DESCRIPTION:**

Approve a waiver of the schedule in Council Policy 000-21 to consider a proposed ballot measure for the November 2016 election.

Direct the City Attorney to prepare an ordinance including a proposed ballot measure for November 2016, to amend the following Charter Sections related to City contracting, 35- Purchasing Agent, 94-Contracts, 94.1-Job Order Contracts, 94.2-Design Build Contracts, 94.3- Bond Reimbursement Program, 94.4-Construction Manager At Risk Contracts, 97-Collusion in Bidding, 98-Alteration in Contracts, 99-Continuing Contracts, 100-No Favoritism in Public Contracts, 102-Continuance of Contracts, and 113- Official Advertising, and to return to Council for consideration.

**TODAY'S ACTION IS:** (6/23/16)

Adopt the following resolution:

(R-2016-738)

Waiving Council Policy 000-21 so that the Council may consider a proposed ballot measure and direct preparation of an ordinance including that measure;

Directing the City Attorney's Office to conduct legal analysis and work with staff to prepare an ordinance including a proposed ballot measure to amend sections of the San Diego City Charter related to purchasing and contracting for the City of San Diego, and to return to Council for consideration of the ordinance after the November 8, 2016 Municipal General Election has been called.

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

**SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

Costs for the November 2016 ballot are not known at this time.

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

Motion by Council President Lightner, second by Councilmember Cate, to approve the Mayor's proposed language with the Amendment to change Charter Section 97 to "No Collusion in Bidding" instead of "Collusion in Bidding". (3-0-1).

Motion to repeal Charter Section 113 and request that the City Attorney's Office conduct legal review to evaluate if the repeal could be included within the proposed ballot measure to update the Charter Sections on Purchasing and Contracting.

This item was heard at the Charter Review Committee meeting on April 20, 2016.

**ACTION:** Motion by Chair Lightner, second by Councilmember Cate, to change the title of Section 97 to read, "No Collusion in Bidding," and otherwise approve and forward the proposed language to City Council for review; and direct the City Attorney's Office to prepare the necessary ballot language and ordinances to be placed on the November 2016 ballot, subject to legal review.

**VOTE:** 4-0; Lightner-yea, Cate-yea, Kersey-yea, Emerald-yea.

Jurado-Sainz

Primary Contact\Phone: Felipe Monroig\619-236-6330, MS 11A

Secondary Contact\Phone: Diana Jurado-Sainz\619-533-3920, MS 10A

City Attorney Contact: Spivak, Sharon B.

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

ITEM-337: Consideration of a Recommendation from the Rules Committee Regarding a Potential Ballot Measure Related to the San Diego Firehouse Bond 2016; and Related Waiver of Council Policy 000-21. (Citywide.)

**ITEM DESCRIPTION:**

Approve a waiver of the schedule in Council Policy 000-21 to consider a proposed ballot measure for the November 2016 election; and Direct the City Attorney to prepare an ordinance including a proposed ballot measure for November 2016, to consider the placement of the Firehouse Bond 2016, a General Bond for \$205 Million to build additional fire stations identified in the Citygate Report and Working Group Five Year Plan, on the November 2016 ballot, and to return to Council for consideration.

**TODAY'S ACTION IS:** (Rev. 6/23/16)

Adopt the following resolution:

(R-2016-737)

Waiving Council Policy 000-21 so that the Council may consider a proposed ballot measure and direct preparation of an ordinance including that measure;

Directing the City Attorney's Office to conduct legal analysis and work with staff to prepare an ordinance including a proposed ballot measure regarding Firehouse Bond 2016, proposing a General Obligation Bond designed to provide funding for additional fire stations, and return to Council for consideration of the ordinance after the November 8, 2016 Municipal General Election has been called.

**SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

Costs for the November 2016 ballot are not known at this time.

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

This item was heard at the Rules Committee meeting on April 11, 2016.

**ACTION:** Motion by Councilmember Emerald, second by Councilmember Cole, to forward the proposed General Obligation Bond Measure to City Council for discussion and vote and request the City Attorney draft language for the Firehouse Bond to be placed on the November 2016 ballot.

**VOTE:** 3-2; Lightner-yea, Cole-yea, Emerald-yea, Cate-nay, Kersey-nay.

Juardo-Sainz

Primary Contact\Phone: Marti Emerald\619-236-6699, MS 10A

City Attorney Contact: Spivak, Sharon B.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

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

ITEM-338: Financial Training for the City Council: Information related to Zero-Base Budgeting (ZBB).

**INDEPENDENT BUDGET ANALYSIS RECOMMENDATION:**

This item provides financial training for the City Council. The training is entitled Information Related to Zero-Base Budgeting (ZBB). It is an informational item and there is no associated City Council action.

**SUPPORTING INFORMATION:**

FISCAL CONSIDERATIONS: None.

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

On December 6, 2006, the City Council adopted Resolution R-302243 to implement a comprehensive financial training program as recommended in IBA Report No. 06-59. The planned informational session on ZBB is in accordance with the adopted City Council financial training program.

Tevlin

Primary Contact\Phone: Jeff Kavar\619-533-4764

Secondary Contact\Phone: Andrea Tevlin\619-236-6555

ADOPTION AGENDA, DISCUSSION, HEARINGS

NOTICED HEARINGS:

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

ITEM-339: Fiscal Year 2017 Annual Levy and Annual Update of Assessment Engineer's Reports for Park and Recreation Department Maintenance Assessment Districts (MADs); and approval of Non-Profit Agreement for the Bird Rock Maintenance Assessment. (Citywide.)

**ITEM DESCRIPTION:**

Authorize actions needed for the operation of the Park and Recreation Department-managed Maintenance Assessment Districts (MADs). Specific actions include: authorize levy and collection of assessments for Fiscal Year 2017, approve annual update to property owner-approved Assessment Engineer's Report for each district, authorize the appropriation and expenditure of district funds, including administrative fund, district operating funds, district capital funds, and developer deposit funds associated with new assessment district formations; and approve the maintenance agreement with the Bird Rock Development Corporation (d.b.a. Bird Rock Community Council [BRCC]) for provision of goods and services in the Bird Rock MAD.

**STAFF'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2016-722)

Adoption of a Resolution preliminarily approving the updated Engineer's Reports submitted in connection with the City-managed Maintenance Assessment Districts and filed in the Office of the City Clerk as follows:

Subitem-B: (R-2016-723)

Adoption of a Resolution declaring the Council's intent to authorize the levy of assessments in each District during Fiscal Year 2017;

Declaring the Council's intent to authorize the collection of assessments from within each District during Fiscal Year 2017;

Authorizing the improvements and activities within the City-managed MADs by each Districts governing documents, generally consist of construction and maintenance of landscaped and paved medians, landscaped right-of-ways and slopes, open space, parks, ponds, flood control channels, monuments, decorative street lighting, decorative gates, community signage, banners, curbs and gutters, and sidewalks, as well as the provision of security services;

A general description of the location of each District is provided in each District's Engineer's Report incorporated by reference into this Resolution;

Each District is generally located in the following Community Planning Area:

**Maintenance Assessment District**

1. Bay Terraces – Honey Drive
2. Bay Terraces – Parkside
3. Bird Rock
4. Black Mountain Ranch North
5. Black Mountain Ranch South
6. Calle Cristobal
7. Campus Point
8. Camino Santa Fe
9. Carmel Mountain Ranch
10. Carmel Valley
11. Carmel Valley Neighborhood
12. Civita
13. Coral Gate
14. Coronado View
15. Del Mar Terrace
16. Eastgate
17. El Cajon Boulevard
18. First San Diego River
19. Gateway Center East
20. Genesee/North Torrey Pines Road
21. Hillcrest
22. Kensington Heights
23. Kensington Manor
24. Kensington Park North
25. Kings Row
26. La Jolla Village Drive
27. Liberty Station
28. Linda Vista
29. Mira Mesa
30. Miramar Ranch North
31. Mission Boulevard

**Community Planning Area**

- Skyline – Paradise Hills
- Skyline – Paradise Hills
- La Jolla
- Black Mountain Ranch
- Black Mountain Ranch
- Mira Mesa
- University
- Mira Mesa
- Carmel Mountain Ranch
- Carmel Valley
- Carmel Valley
- Mission Valley
- San Ysidro
- Encanto
- Torrey Pines
- University
- Mid-City
- Mission Valley
- Southeastern San Diego
- University
- Uptown
- Mid-City
- Mid-City
- Mid-City
- Encanto
- University
- Peninsula
- Linda Vista
- Mira Mesa
- Miramar Ranch North
- Mission Beach

32.Mission Hills	Uptown
33.North Park Greater	North Park
34.Ocean View Hills	Otay Mesa
35.Otay International Center	Otay Mesa
36.Pacific Highlands Ranch	Pacific Highlands Ranch
37.Park Village	Rancho Penasquitos
38.Penasquitos East	Rancho Penasquitos
39.Rancho Bernardo	Rancho Bernardo
40.Rancho Encantada	Rancho Encantada
41.Remington Hills	Otay Mesa
42.Robinhood Ridge	Otay Mesa
43.Sabre Springs	Sabre Springs
44.Scripps/Miramar	Miramar Ranch
45.Stonecrest	Kearny Mesa
46.Street Light District No. 1	Citywide
47.Talmadge	Mid-City
48.Talmadge Park North	Mid-City
49.Talmadge Park South	Mid-City
50.Tierrasanta	Tierrasanta
51.Torrey Highlands	Torrey Highlands
52.Torrey Hills	Torrey Hills
53.University Heights	Uptown
54.Washington Street	Uptown
55.Webster/Federal Boulevard	Eastern Area;

The full and detailed Fiscal Year 2017 Engineer's Report for each District including detailed descriptions of the improvements and activities to be provided by the City-managed MADs in Fiscal Year 2017, the boundaries of each District and any benefit zones therein, and the proposed assessments to be levied upon assessable lots and parcels of land within each District, is on file and available for review at the Office of the City Clerk;

Proposing the assessments for the following City-managed MADs to be suspended for Fiscal Year 2017: Black Mountain Ranch North; Liberty Station/NTC; Mission Hills Historic Street Lighting; and Rancho Encantada;

Proposing the assessments for the following City-managed MADs to be reinstated for Fiscal Year 2017: Genesee/North Torrey Pines Road;

Proposing the assessments for the following City-managed MADs to be adjusted downward: Bird Rock; Camino Santa Fe; Eastgate; First San Diego River Improvement Project; La Jolla Village Drive; Pacific Highlands Ranch; Remington Hills; Robinhood Ridge; and Torrey Highlands.

Proposing the assessments for the following City-managed MADs to be adjusted upward, but not by more than the formula specified in the original Engineer's Report allows: Campus Point; Carmel Mountain Ranch; Civita; Coral Gate; El Cajon; Gateway; Hillcrest; Kensington Heights; Kensington Manor; Kensington Park North; Kings Row; North Park; Ocean View Hills; Park Village; Penasquitos East; Sabre Springs; Scripps-Miramar Ranch; Streetlight District No. 1; Talmadge Park North; Talmadge Park South; Tierrasanta; University Heights; and Washington Street;

Proposing the assessments for the following City-managed MADs to remain the same as in fiscal year 2016: Bay Terraces – Honey Drive; Bay Terraces – Parkside; Black Mountain Ranch South; Calle Cristobal; Carmel Valley; Carmel Valley Neighborhood 10; Coronado View; Del Mar Terrace; Linda Vista; Mira Mesa; Miramar Ranch North; Mission Boulevard; Otay International Center; Rancho Bernardo; Stonecrest; Talmadge; Torrey Hills; Webster/Federal Boulevard;

Notice is hereby given that on July 19, 2016, at 2:00 p.m., or as soon thereafter as it may be heard, the Council will conduct a public hearing (Public Hearing) in the Council Chambers of the City Administration Building, located at 202 "C" Street, 12th Floor, San Diego, California, and will receive public testimony and evidence regarding the levy of the proposed assessment in each District;

At the Public Hearing, all interested persons may offer written or oral protest regarding the levy of assessments, the collection of assessments, and the proposed Fiscal Year 2017 Engineer's Report for each District;

Directing the City Clerk to give notice of the Public Hearing by causing publication of this Resolution once in a newspaper of general circulation in the City of San Diego not less than ten (10) days prior to the Public Hearing.

Subitem-C: (R-2016-733)

Adoption of a Resolution authorizing the execution of a management agreement with Bird Rock Development Corporation for the administration of all contracts necessary to provide the improvements and activities within the Bird Rock Maintenance Assessment District;

Approving the agreement, a copy which is on file in the Office of the City Clerk;

Authorizing and directing the Mayor, or designee, to execute the Agreement and sign all documents necessary and appropriate to carry out and implement the Agreement;

Authorizing the Chief Financial Officer to appropriate, transfer, and expend District funds necessary and appropriate to carry out and implement the Agreement, contingent upon approval of the Fiscal Year 2017 Appropriation Ordinance, and contingent upon the City Comptroller certifying that the funds necessary for expenditure are or will be available.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

The Proposed Fiscal Year 2017 Assessment for all 55 Park and Recreation MADs totals \$13,924,946. The Proposed Fiscal Year 2017 Budget includes City Contributions to MADs for the General Benefit: Environmental Growth Fund for open space maintenance: \$261,869; Gas Tax Fund for street median maintenance: \$1,214,719; General Fund for park maintenance: \$873,858; General Fund for library grounds maintenance: \$27,461; and General Fund for fire station grounds maintenance: \$15,424. The Proposed Fiscal Year 2017 Budget also contains funding for assessments on City parcels (budgeted in Citywide Program Expenditures) in the amount of \$172,976.24. In addition, there is an estimated General Fund impact of approximately \$928,635 for External General Benefits as a result of the ongoing MAD general benefit study as necessitated by the City's efforts to improve all MADs to meet the requirements of the Golden Hill MAD lawsuit and to help improve the City's position with ongoing litigation.

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

The City Council approved the current Fiscal Year 2016 Assessment Engineer's Reports and annual levy of assessments for all existing Park and Recreation MADs on in July 21, 2015. Budgets for each MAD were presented as part of the Mayor's Fiscal Year 2017 Proposed Annual Budget for next fiscal year. The City Council last approved an agreement with BRCC for Bird Rock MAD contract administration services in July 20, 2012.

Parker\Graham\ps

Primary Contact\Phone: Paul Sirois\619-685-1307, MS 5D  
Secondary Contact\Phone: Chris Zirkle\619-685-1323, MS 5D  
City Attorney Contact: Skogen, Daphne Z.

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

ITEM-340: Fiscal Year 2017 Annual Levy and Annual Update of Assessment Engineer’s Reports for Economic Development Maintenance Assessment Districts. (Barrio Logan, Downtown/Centre City, College Area, City Heights, North Park, Ocean Beach, Southeastern and Uptown Community Plan Areas. Districts 2, 3, 8, and 9.)

**ITEM DESCRIPTION:**

As required by state and local law, this City Council item is to authorize actions needed for the operation of the Maintenance Assessment Districts managed by the Economic Development Department. The specific actions include: declaring the Council’s intent to authorize, pending a public hearing, the continued levy and collection of assessments within previously established districts for Fiscal Year 2016; preliminarily approve the annual update to the property owner-approved Assessment Engineer’s Report for each district; and provide notice of the upcoming public hearing, at which time Council will consider any oral or written protest regarding the proposed levy of assessments and related actions.

**STAFF'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2016-725)

Adoption of a Resolution preliminarily approving the updated Engineer’s Reports submitted in connection with the self-managed Maintenance Assessment Districts, and filed in the Office of the City Clerk as follows:

<b><u>Maintenance Assessment District</u></b>	<b><u>Document Number</u></b>
Adams Avenue	RR-_____
Barrio Logan	RR-_____
Central Commercial	RR-_____
City Heights	RR-_____
College Heights	RR-_____
Hillcrest Commercial Core	RR-_____
Little Italy	RR-_____
Newport Avenue	RR-_____

Subitem-B: (R-2016-726)

Adoption of a Resolution declaring the Councils intention to authorize the levy of assessments in each District for the life of the District.

Declaring the Councils intention to authorize the collection of assessments from within each District during Fiscal Year 2017;

The improvements and activities within the self-managed MADs, as authorized by each District’s governing documents, generally consist of construction and maintenance of landscaped and paved medians, landscaped right-of-ways and slopes, open space, parks, ponds, flood control channels, monuments, decorative street lighting, decorative gates, community signage, banners, curbs and gutters, and sidewalks, as well as the provision of security services;

A general description of the location of each District is provided in each District’s Engineer’s Report, and each such description is incorporated by reference into this Resolution; and

Each District is generally located in the following Community Planning Area:

<b><u>Maintenance Assessment District</u></b>	<b><u>Community Planning Area</u></b>
Adams Avenue	Normal Heights
Barrio Logan	Barrio Logan
Central Commercial	Southeastern San Diego
City Heights	City Heights
College Heights	College Area
Hillcrest Commercial Core	Uptown
Little Italy	Downtown/Centre City
Newport Avenue	Ocean Beach

The full and detailed Fiscal Year 2017 Engineer’s Report for each District, including detailed descriptions of the improvements and activities to be provided by the self-managed MADs in Fiscal Year 2017, the boundaries of each District and any benefit zones therein, and the proposed assessments to be levied upon assessable lots and parcels of land within each of the Districts, is on file and available for review at the Office of the City Clerk with reference to the following document numbers:

<b><u>Maintenance Assessment</u></b>	<b><u>District Document Number</u></b>
Adams Avenue	RR-_____
Barrio Logan	RR-_____
Central Commercial	RR-_____
City Heights	RR-_____
College Heights	RR-_____
Hillcrest Commercial Core	RR-_____
Little Italy	RR-_____
Newport Avenue	RR-_____

The assessments for the following self-managed MADs are proposed to be adjusted upward, but not by more than the formula specified in the original Engineer's Report allows: City Heights; Little Italy; and Newport Avenue.

The assessments for the following self-managed MADs are proposed to remain the same as in Fiscal Year 2016: Adams Avenue; Barrio Logan; Central Commercial; College Heights; and Hillcrest Commercial Core.

Notice is hereby given that on July 19, 2016, at 2:00 p.m., or as soon thereafter as it may be heard, the Council will conduct a public hearing (Public Hearing) in the Council Chambers of the City Administration Building, located at 202 "C" Street, 12th Floor, San Diego, California, and will receive public testimony and evidence regarding the levy of the proposed assessment in each District.

At the Public Hearing, all interested persons may offer written or oral protest regarding the levy of assessments, the collection of assessments, and the proposed Fiscal Year 2017 Engineer's Report for each District.

Directing the City Clerk to give notice of the Public Hearing by causing publication of this Resolution once in a newspaper of general circulation in the City of San Diego not less than ten (10) days prior to the Public Hearing.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

The Proposed Fiscal Year 2016 Assessment for all 8 Economic Development MADs totals \$2,297,968. The Proposed Fiscal Year 2017 budget includes estimated city contributions of \$12,366 from the Gas Tax Fund (Medians). The Proposed Fiscal Year 2017 Budget also contains funding for assessments on City parcels (budgeted in Citywide Program Expenditures) in the amount of \$77,144.60. The City will receive a flat rate of \$3,500 per district for a total of \$28,000 from the MAD districts for administrative costs.

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

The City Council approved the Fiscal Year 2016 Assessment Engineer's Reports and annual levy and collection of assessments for all existing Economic Development MADs on July 21, 2015 (Resolution R-309868).

Caldwell/Graham/es

Primary Contact\Phone: Elizabeth Studebaker\619-236-4561, MS 56D

Secondary Contact\Phone: Luis Ojeda\619-236-6475, MS 56D

City Attorney Contact: Skogen, Daphne

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

ITEM-341: Modification of the San Diego Tourism Marketing District and Management Plan.  
(Citywide.)

**ITEM DESCRIPTION:**

This item is for the modification of the San Diego Tourism Marketing District [District] and Management Plan and requires two Council dates in order for Council to consider such modification including these steps: first, that the City Council declares to modify the District and Management Plan, and causing a notice to be mailed, then second, holding a public hearing on August 2, 2016, considering protests, and then modifying the District and Management Plan and affirming certain assessments shall continue to be levied, and authorizing the creation of a new Fund to receive the assessments.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2016-742 Cor. Copy) (Rev. 6/23/16)

Adoption of a Resolution declaring the intent to: modify the District and to continue the levy of assessments for the District on lodging businesses with 70 or more rooms through June 30, 2052; modify the District Plan, as reflected in the Modified District Plan; and set August 2, 2016, in the City Council Chambers, located at, 202 "C" Street, 12th Floor, San Diego, CA, as the noticed public hearing date and location for consideration of the proposed modifications to the District and District Plan, and for consideration of protests to the proposed modifications;

Directing City staff to mail notice of the public hearing and proposed modifications to the District and District Plan in accordance with the Procedural Ordinance.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

Modification of the existing District would generate around \$33.8 million dollars of assessments annually rather than the Fiscal Year 2017 estimate of \$38.4 million dollars. The assessments would continue to be disbursed to the non-profit except for the amount retained by the City for cost recovery and any required reserves. Notwithstanding any successful legal challenges, the modification will not result in any net financial impact to the City. Successful implementation of Tourism Marketing District (TMD) programs is intended to increase room night stays and generate an undetermined amount of additional TOT for the City. TOT funding of around \$10M traditionally provided by the City annually for activities to increase room night stays would continue to be saved.

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

The TMD was renewed by Council on November 26, 2012, by Resolution R-307843. The District Management Plan was submitted to Council during the renewal in 2012 and a copy is on file in the Office of the City Clerk as Document RR-307843. This item was heard by the Economic Development and Intergovernmental Relations Committee on June 16, 2016, with a motion to support the staff recommendation.

Caldwell\Graham\mdb

Primary Contact\Phone: Meredith Dibden-Brown\619-236-6485, MS 56 D  
City Attorney Contact: Wander, Adam

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT