

CITY OF SAN DIEGO COUNCIL DOCKET



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Sherri Lightner • First District

COUNCIL PRESIDENT PRO TEM

Marti Emerald • Ninth District

COUNCILMEMBERS

Lorie Zapf • Second District

Todd Gloria • Third District

Myrtle Cole • Fourth District

Mark Kersey • Fifth District

Chris Cate • Sixth District

Scott Sherman • Seventh District

David Alvarez • Eighth District

**Andrea Tevlin
Independent
Budget Analyst**

**Jan Goldsmith
City Attorney**

**Liz Maland
City Clerk**

Council Chambers, 12th Floor, City Administration Building

Monday, September 19, 2016

**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
MONDAY, SEPTEMBER 19, 2016, AT 2:00 PM
CITY ADMINISTRATION BUILDING
COUNCIL CHAMBERS – 12TH FLOOR
202 “C” STREET
SAN DIEGO, CA 92101**

This information will be made available in alternative formats upon request, as required by the Americans with Disabilities Act (ADA), by contacting the City Clerk at (619) 533-4000 or <mailto:cityclerk@sandiego.gov>. Requests for disability-related modifications or accommodations required to facilitate meeting participation, including requests for auxiliary aids, services or interpreters, require different lead times. 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.

OTHER LEGISLATIVE MEETINGS

The **PUBLIC FACILITIES FINANCING 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 Brant Will at (619) 236-6220. Internet access to the agenda is available at:

<http://www.sandiego.gov/city-clerk/officialdocs/legisdocs/pffa.shtml>

ROLL CALL

INVOCATION

PLEDGE OF ALLEGIANCE

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 based on when the item was noticed to be heard.

PROCLAMATIONS/CEREMONIAL ITEMS

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

ITEM-20: AIDS Walk San Diego Day.

PRESENTED BY COUNCILMEMBER GLORIA:

Proclaiming September 24, 2016, to be "AIDS Walk San Diego Day" in the City of San Diego.

ITEM-21: 20th Anniversary of Ballast Point Brewing & Spirits.

PRESENTED BY COUNCILMEMBER CATE:

Proclaiming September 19, 2016, to be "The 20th Anniversary of Ballast Point Brewing & Spirits" in the City of San Diego.

ADOPTION AGENDA, DISCUSSION, COMMITTEE ITEMS
COMMITTEE ON INFRASTRUCTURE, RESOLUTIONS:

ITEM-150: Establishment of Balboa Park Plaza de Panama as a CIP Project. (Balboa Park Community Area. District 3.)

ITEM DESCRIPTION:

Approve necessary actions to review and finalize construction documents for the previously Council-approved Balboa Park Plaza de Panama that will create additional parking, increase open accessible park area, improve traffic circulation, and limit pedestrian-vehicular conflicts. The Project will also include a new parking structure with a 2.2 acre rooftop park and a bypass bridge and road to divert vehicular traffic away from the pedestrian core of the park. Approved actions will allow for construction documents to be finalized consistent with the previously certified Environmental Impact Report (EIR) and changes in state building regulations. Project costs will be updated once construction documents are finalized.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2017-97)

Authorizing the Chief Financial Officer to add CIP L-17002, Balboa Park Plaza de Panama Project, to the Fiscal Year 2017 Capital Improvement Program;

Authorizing the Chief Financial Officer to increase the Capital Improvements Program Budget in CIP L-17002, Balboa Park Plaza de Panama Project, and to appropriate and expend up to \$1,000,000 for the purpose of finalizing design, ensuring compliance with all applicable regulations and calculating a revised cost estimate for the Balboa Park Plaza de Panama Project, of which up to \$602,576.04 is from Fund 200215, Unappropriated Reserve Balboa Park CIP and up to \$397,423.96 is from Fund 400000, Capital Outlay-Sales Tax, 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 Treasury;

Authorizing the Chief Financial Officer to transfer \$352,214.26, of which \$201,422.94 is from Fund 200213, Mission Bay Park/Balboa Park, \$81,765.68 is from Fund 200469, Balboa Park Concessionaire, and \$69,025.64 is from Fund 200452, Balboa Park Trust, to Fund 200215, Unappropriated Reserve Balboa Park CIP.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

Up to \$1 million in CIP expenditures are proposed with this City Council action. \$352,214.26 from a variety of funds that have been established over the past 25 years to support Balboa Park will be transferred to Fund 200215 Unappropriated Reserve Balboa Park CIP for the purpose of this Project as detailed below:

- \$201,422.94 from Fund 200213 Mission Bay Park/Balboa Park
- \$81,765.68 from Fund 200469 Balboa Park Concessionaire
- \$69,025.64 from Fund 200452 Balboa Park Trust

In addition, \$250,361.78 in fund balance for Fund 200215 Unappropriated Reserve Balboa Park CIP and \$397,423.96 in fund balance from Fund 400000 Capital Outlay-Sales Tax is available to be appropriated for this project.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

On July 9, 2012, the City Council voted to approve Amendments of the Balboa Park Master Plan (BPMP) and Central Mesa Precise Plan (CMPP) to incorporate the proposed Project (Resolution No. R-307555) after an extensive public input process, which is outlined in detail in Attachment 1 (Report to City Council, June 19, 2012, No. 12-080). The Environmental Impact Report (EIR) was certified by the City Council (Project No. 233958/SCH No. 2011031074, Resolution No. R-307554), Site Development Permit No. 837848 was approved, (Resolution No. R-307556), and the Plaza de Panama Implement Agreement was approved, (Resolution No. R-307556).

This item was heard and approved at the Infrastructure Committee meeting on August 4, 2016.

ACTION: Motion by Councilmember Kersey, second by Councilmember Zapf, to adopt the resolutions.

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

Parker/Graham

Primary Contact\Phone: Andrew Field\619-235-1110, MS 39
Secondary Contact\Phone: Richard Leja\619-533-5112, MS 908A
City Attorney Contact: Rae, Christina L.

ADOPTION AGENDA, DISCUSSION, COMMITTEE ITEMS

RULES COMMITTEE, RESOLUTIONS:

ITEM-151: Proposed Response to Grand Jury Report “Campaign Law Enforcement & Training: City and County of San Diego”. (Citywide.)

ITEM DESCRIPTION:

1. Approve and adopt the proposed response to the 2015/2016 San Diego County Grand Jury Report entitled “Campaign Law Enforcement & Training: City and County of San Diego.” (Which was filed June 8, 2016) as prepared by the Independent Budget Analyst (IBA).

2. Authorize and direct the City Council President, on behalf of the City Council, to execute and deliver the response to the Presiding Judge of the Superior Court by October 28, 2016.

INDEPENDENT BUDGET ANALYST'S RECOMMENDATION:

Adopt the following resolution:

(R-2017-86)

Approving and adopting as its own the response to the 2015-2016 San Diego County Grand Jury Report titled “Campaign Law Enforcement & Training: City and County of San Diego,” as set forth in IBA Report No. 16-19, dated July 28, 2016;

Authorizing and directing the Council President, on behalf of the San Diego City Council, to execute and deliver the above-described response to the Presiding Judge of the San Diego County Superior Court no later than October 28, 2016.

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

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS: N/A

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

The IBA's Office worked collaboratively with the Mayor's Office to develop a proposed joint Council/Mayoral response to the Grand Jury Report - see IBA Report No. 16-19, Attachment 1.

This item was heard at the Rules Committee meeting on August 3, 2016.

ACTION: Motion by Councilmember Cate, second by Council President Pro Tem Emerald, to move the staff recommendation for the Grand Jury response, which was to forward the proposed response to the full City Council. Additionally, Councilmember Cate also respectfully requested that Ethics Commission develop a list of any other recommended changes for Council consideration.

VOTE: 5-0; Lightner-yea, Emerald-yea, Cole-yea, Kersey-yea, Cate-yea.

Kawar

Primary Contact\Phone: Lisa Byrne\619-236-5917

Secondary Contact\Phone: Jeff Kawar\619-533-4764

City Attorney Contact: Dugard, Prescilla

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

This item is being presented to the Council in its capacity as the board of the local redevelopment successor agency, officially known as "the City of San Diego, solely in its capacity as the designated successor agency of the Redevelopment Agency of the City of San Diego, a former public body, corporate and politic" (Successor Agency).

ITEM-200: Successor Agency to the Redevelopment Agency of the City of San Diego, Tax Allocation Refunding Bonds, Series 2017A (Tax Exempt) and 2017B (Taxable). (Citywide.)

ITEM DESCRIPTION:

This item is to authorize the issuance of the Successor Agency to the Redevelopment Agency of the City of San Diego Tax Allocation Refunding Bonds, Series 2017A (Tax Exempt) and Series 2017B (Taxable) (the "Series 2017 Bonds"), and the related financing documents, to refund for economic savings, various outstanding bonds of the former Redevelopment Agency (as identified in the Staff Report). Also, this item will authorize the City Attorney to retain Stradling, Yocca, Carlson & Rauth PC as Bond and Disclosure Counsel and the Chief Financial Officer to establish special interest bearing account(s) for the proceeds of the Series 2017 Bonds.

STAFF'S RECOMMENDATION:

Introduce the following ordinance:

(O-2017-33)

Introduction of an Ordinance of the Council of the City of San Diego, acting in its capacity as the governing board of the Successor Agency to the Redevelopment Agency of the City of San Diego, (i) authorizing the issuance and sale of Tax Allocation Refunding Bonds, (ii) approving the Form of a First Supplemental Indenture of Trust, Bond Purchase Agreement and related documents, and (iii) authorizing certain related actions.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The pricing and closing of the proposed economic refunding bonds would be subject to market conditions and the fulfillment of the City's net present value savings thresholds for economic refundings. Under current market conditions, the proposed economic refundings would create additional revenue to the General Fund, estimated to be, on average, \$750,000 annually from Fiscal Years 2018 - 2041. Costs of issuance are expected to include fees for bond and disclosure counsel, the municipal advisor, fiscal consultant, credit ratings, trustee, disclosure document printing, bond insurance premium, and surety fee and will be paid for from the refunding bond proceeds, which is permitted under the bond offering guidelines.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

The 2016 Refunding Bonds (the previous RDA refunding) were approved by City Council, in its capacity as Successor Agency, via Ordinance No. 20566 on October 9, 2015.

The 2016 Refunding Bonds were reviewed and approved via Resolution by the Oversight Board to the Successor Agency on October 19, 2015, and subsequently reviewed and approved by the California State Department of Finance on December 18, 2015.

Item: "Economic Refunding of Eligible Outstanding Successor Agency Tax Allocation Bonds" was docketed and scheduled to be presented at the July 20, 2016, Budget and Government Efficiency Committee. Upon the advanced review of the docket material, Committee recommended forwarding the item directly to City Council and Successor Agency for approval.

Kommi\Lewis

Primary Contact\Phone: Lakshmi Kommi\619-236-6928, MS 7B

Secondary Contact\Phone: Richard Eyre\619-236-6899, MS 7B

City Attorney Contact: Chung, Walter C.

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 Comment is taken toward the end of the Monday afternoon Council session.

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT