

**AGENDA FOR THE
SPECIAL COUNCIL MEETING OF
FRIDAY, DECEMBER 2, 2016, AT 10:45 AM
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@sanidiego.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.

ROLL CALL

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

RESOLUTIONS:

ITEM-600: Rescission of October 18, 2016, Action to Reconsider Item 331 Regarding Introduction of Ordinances O-2017-30 and O-2017-31 to Authorize Execution of Operating Agreement and Agency Agreement With Civic San Diego,

ITEM DESCRIPTION:

On October 18, 2016, the City Council voted 5 to 4 to introduce Ordinance No. O-2017-30 authorizing execution of an Operating Agreement and Ordinance No. O-2017-31 authorizing execution of an Agency Agreement, and the item failed for lack of the six required votes. Thereafter the Council voted 6 to 3 to reconsider the matter. This action would rescind the action to reconsider introduction of the ordinances with a limited term, and pursuant to California Government Code Section 54960.1, would cure any alleged failure to comply with the state's open meeting laws. By taking this action, the Council's subsequent actions to introduce and adopt the ordinances with a five-year limit are without force or effect.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2017-293)

Rescinding the Council's action taken on October 18, 2016, to reconsider Item 331 for the introduction of Ordinance No. O-2017-30 authorizing execution of an Operating Agreement and Ordinance No. O-2017-31 authorizing execution of an Agency Agreement;

Acknowledging that rescinding its action to reconsider Item 331 means that the Council's subsequent actions to introduce and adopt the ordinances with a five-year limit are without force or effect.

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS: N/A

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

October 18, 2016, November 16, 2016

Nuesca

Primary Contact\City Attorney\Phone: Carrie Townsley\619-533-35894

ITEM-601: Approval of an Operating Agreement and Agency Agreement between the City of San Diego and Civic San Diego.

ITEM DESCRIPTION:

Approval of an Operating Agreement and Agency Agreement with Civic San Diego for a term of five years. The agreements strengthen oversight, improve transparency and codify existing authorities of the non-profit public benefit corporation owned by the City.

STAFF'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2017-292)

Authorizing and directing the Mayor, or his designee, to execute, for and on behalf of the City, that certain Operating Agreement Between the City of San Diego and Civic San Diego (Operating Agreement), for a five-year term on the terms and conditions as set forth in the Operating Agreement, together with any reasonably necessary modifications or amendments thereto which do not materially change the terms and which the Mayor, or designee, shall deem necessary from time to time in order to carry out the purposes and intent of the Operating Agreement.

Subitem-B: (R-2017-291)

Authorizing and directing the Mayor, or his designee, to execute, for and on behalf of the City, that certain Agency Agreement Between the City of San Diego and Civic San Diego to Administer Certain Legislative Enactments of the City of San Diego (Agency Agreement), for a five-year term on the terms and conditions as set forth in the Agency Agreement, together with any reasonably necessary modifications or amendments thereto which do not materially change the terms and which the Mayor, or designee, shall deem necessary from time to time in order to carry out the purposes and intent of the Agency Agreement.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The proposed FY 2017 budget for Civic San Diego is \$7.7 million. This action would replace the existing consultant contracts with an Operating Agreement and Agency Agreement. No new funding is required.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

This item was approved on a 5-4 vote by the City Council on November 14, 2016, on motion by Councilmember Gloria, second by Councilmember Cole.

This item was approved on a 5-4 vote by the City Council on October 18, 2016, on a motion by Councilmember Gloria, second by Councilmember Cole, with the revision to make the term of the agreement five years.

This item was heard at the Economic Development and Intergovernmental Relations Committee meeting on June 4, 2015.

On a motion by Council President Lightner, second by Councilmember Cole, the committee voted 2-2 to forward the item to City Council without recommendation with the additional requests as follows:

- that the Policy be adjusted to reference the City's Small Local Business Enterprise (SLBE) Policy;
- that the Policy reference compliance with all City policies;
- for staff to explore opportunities to establish an affordable housing requirement within the Operating Agreement;
- to include all Exhibits/backup material to the Operating Agreement as the item moves forward to Council.

Caldwell

Primary Contact\Phone: David Graham\619-235-5880

City Attorney Contact: Townsley, Carrie G.