AGENDA FOR THE
REGULAR COUNCIL MEETING OF
TUESDAY, DECEMBER 6, 2016, AT 10:00 AM
CITY ADMINISTRATION BUILDING
COUNCIL CHAMBERS – 12TH FLOOR
202 “C” STREET
SAN DIEGO, CA 92101

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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 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

PLEDGE OF ALLEGIANCE
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 TO BE INTRODUCED:

* ITEM-50: Extension of Lexis Nexis contract and approval of Amendment No. 1.

ITEM DESCRIPTION:

This contract will provide access to the Accurint Program, a skip tracing tool, provided by Lexis Nexis. This service is used to access a broad range of public and proprietary data sources to obtain the most accurate debtor account information in an effort to collect delinquent debt. This item is to approve the extension of the City's contract with Lexis Nexis for an additional five (5) years beginning January 1, 2017, in compliance with City Charter Section 99, including approval of the Amendment.

STAFF'S RECOMMENDATION:

Introduce the following ordinance:

(O-2017-83)

Introduction of an Ordinance authorizing the Mayor, or his designee, to execute, for and on behalf of the City, the Amendment No. 1, which includes approval of the various Revised Schedule A’s for transactional, batch services, and per user subscription account access;

Authorizing the expenditure of an amount not to exceed $60,000 per year of the Agreement, for the purpose of executing Amendment No. 1 to the Agreement, contingent upon authorization of the respective fiscal year budget and provided that the Chief Financial Officer, or her designee, certify funds are available for such purposes.

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

FISCAL CONSIDERATIONS:
The amount requested will not exceed $300,000 for the term of the contract.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:
This item was heard at the Budget and Government Efficiency Committee meeting on November 16, 2016.

ACTION: Motion by Councilmember Cate, second by Councilmember Cole, to recommend Council introduce the ordinance and approve the agreement.

VOTE: 3-0; Sherman-yea, Cole-yea, Cate-yea, Gloria-not present.

Granewich/Lewis

Primary Contact\Phone: DeeDee Alari\619-533-3888
Secondary Contact\Phone: Mary Davis\619-533-6316
City Attorney Contact: So, Kenneth
ADOPTION AGENDA, CONSENT ITEMS
ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:

* ITEM-51: Approve an Ordinance to extend the existing Agreement with the City's contracted fuel supplier (SOCO) for an additional 18-months for purchase of gasoline and Diesel fuels.

ITEM DESCRIPTION:

This item is to execute an extension to an Agreement with the The SOCO Group (SOCO) for fuel services to the City of San Diego and 26-other local Agencies.

CITY COUNCIL’S RECOMMENDATION:

Adopt the following ordinance which was introduced on 11/15/2016, Item 50. (Council voted 6-0. Councilmember Zapf, Councilmember Gloria, and Council President Pro Tem Emerald not present):

(O-2017-59)

Authorizing the Mayor, or his designee, to execute the Second Amendment to the Contract with The SOCO Group (SOCO) for various fuels;

Authorizing the Chief Financial Officer to expend an amount not-to-exceed $6,830,000 from Fleet Operating Fund No. 720000, solely and exclusively, to purchase fuel under the above referenced Contract for the period from January 23, 2017, to June 30, 2017;

Authorizing the Chief Financial Officer to expend an amount not-to-exceed $20,500,000 from Fleet Operating Fund No. 720000 (including the $6,830,000 referenced above), solely and exclusively, to purchase fuel under the above referenced Contract for the period from January 23, 2017, to June 30, 2018, contingent on approval of sufficient funds in the Fiscal Year 2018 Budget and provided the Chief Financial Officer first furnishes one or more certificates demonstrating the funds necessary for expenditure are, or will be, on deposit in the City Treasury;

Authorizing the Chief Financial Officer to transfer excess funds, if any, to the appropriate reserves upon advice from the administering department.

NOTE: 6 votes required pursuant to Section 99 of the City Charter.
* ITEM-52: Establishment of the Bicycle Advisory Board under Charter Section 43(a).
   (Citywide.)

ITEM DESCRIPTION:

Adopt the ordinance to establish the Bicycle Advisory Board in conformance with City Charter Section 43(a).

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 11/15/2016, Item 51, Subitem A. (Council voted 7-0. Councilmember Gloria and Council President Pro Tem Emerald not present):

(O-2017-74)

Amending Chapter 2, Article 6, Division 00, of the San Diego Municipal Code by adding new Sections 26.36 and 26.37, all relating to the Bicycle Advisory Board.

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* ITEM-53: Torrey Pines Slope Restoration Project - Second Amendment to the Agreement with Leighton and Associates, Inc. (La Jolla Community Area. District 1.)

ITEM DESCRIPTION:

This action is to execute the Second Amendment to the Agreement with Leighton & Associates, Inc., for design services for the Torrey Pines Slope Restoration Project. These services include design and construction support. This action will extend the existing Agreement through April 2021.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 11/15/2016, Item 52. (Council voted 6-0. Councilmember Zapf, Councilmember Gloria, and Council President Pro Tem Emerald not present):

(O-2017-73)

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City, the Second Amendment to the Agreement under the terms and conditions set forth in the document.

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

ITEM DESCRIPTION:

Consider and approve Ordinance.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 11/15/2016, Item 53. (Council voted 6-0. Councilmember Zapf, Councilmember Gloria, and Council President Pro Tem Emerald not present):

(O-2017-70)

Amending Chapter 2, Article 7, Division 14 of the San Diego Municipal Code by retitling the Division, and by amending Sections 27.1401, 27.1402, 27.1403, 27.1404, 27.1405, 27.1406, 27.1408, 27.1409, 27.1410; by amending and retitling Section 27.1411; by amending Sections 27.1412, 27.1413, 27.1414 and 27.1415; and by adding a new Section 27.1416, all relating to the Redistricting Commission.

**ITEM DESCRIPTION:**

This Ordinance will bring the San Diego Municipal Code (SDMC) into compliance with the *City of Los Angeles v. Patel* United States Supreme Court Decision pertaining to hotel registers. The current San Diego Municipal Code requires registers at hotels, apartment houses, and rooming houses to be made subject to inspection [unconditionally] by any law enforcement officer of the City of San Diego. The 2015 Supreme Court decision directly impacts this section of the San Diego Municipal Code. SDMC Section 52.9103 should be modified to add the conditions, "with consent of the manager or person in control, or pursuant to a warrant, or when there are exigent circumstances."

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 11/15/2016, Item 54. (Council voted 7-0. Councilmember Gloria and Council President Pro Tem Emerald not present):

(O-2017-55)

Amending Chapter 5, Article 2, Division 91 of the San Diego Municipal Code by amending Section 52.9103 relating to registers at hotels, apartment houses, and rooming houses.

ITEM DESCRIPTION:

This action would authorize the Mayor, or his designee, to increase the expenditure authority to an amount not to exceed $3,249,999 for the space planning consultant services for City offices under the As-Needed Contract with M. Arthur Gensler Jr. & Associates, Inc. (Contract). This increased amount includes expenditure authority for all phases of space planning services for tenant improvements, including design plans, and construction documents already budgeted in Fiscal Year (FY) 2017, and for planned space planning services through the end of FY 2017, and the first half of FY 2018, contingent upon City Council approval of the FY 2018 Budget.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 11/15/2016, Item 55. (Council voted 6-0. Councilmember Zapf, Councilmember Gloria, and Council President Pro Tem Emerald not present):

(O-2017-72)

Authorizing the Mayor, or his designee, to execute the First Amendment to the Consulting Agreement, which First Amendment will increase the not-to-exceed Contract amount of the Consulting Agreement, Contract No. H146069, from $249,999 to $3,249,999, as more fully set forth in the terms and conditions of the First Amendment;


Authorizing the Chief Financial Officer to expend an amount not-to-exceed $3,249,999 over the term of the Consulting Agreement, for the purpose executing the First Amendment to the Consulting Agreement, increasing the total not-to-exceed Contract amount from $249,999 to $3,249,999, contingent upon the adoption of the Annual Appropriation Ordinance for the applicable fiscal year and contingent upon the Chief Financial Officer first furnishing one or more certificates certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasurer.
* ITEM-57: Real Property Acquisition Streamlining Measure for CIP Projects.

**ITEM DESCRIPTION:**

Amending the San Diego Municipal Code to allow the City Manager to acquire real property interests without City Council approval if sufficient funds are available in the approved CIP Budget, or if the cost does not exceed $250,000 per parcel for projects that are not in the CIP Budget.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 11/15/2016, Item 56. (Council voted 7-0. Councilmember Gloria and Council President Pro Tem Emerald not present):

(O-2017-40)

Amending Chapter 2, Article 2, Division 31 of the San Diego Municipal Code by amending Section 22.3101 and adding Section 22.3110 regarding the acquisition of Real Property Interests for Public Works Projects.


**ITEM DESCRIPTION:**

Adopt an Ordinance Amending Municipal Code Section 22.0101: Rules of Council related to (1) Rule 2.2: Order of Business which would move Closed Session from 9:00 AM to 11:00 AM, (2) Rule 2.8: Parliamentary Procedure which would add language clarifying the outcome of an item that fails to receive sufficient votes, (3) Rule 2.10: Procedure for Debate clarifying current practice related to public comment, (4) Rule 2.11: Procedure for Reconsideration removing reference to Council Policy 000-06, (5) Rule 7.2.2: Would be expanded to include quasi-judicial decision matters.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 11/15/2016, Item 330. (Council voted 8-0. Councilmember Gloria not present):

(O-2017-76)


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

This action requests approval to amend San Diego Municipal Code Chapter II, Article 6, Division 8, Sections 26.0801, 26.0802 and 26.0803 relating to the purpose and intent, composition, and duties and functions of the Citizens Advisory Board on Police/Community Relations. The proposed amendments would modify the composition of the Board while maintaining its current size. In addition, it clarifies the responsibilities of the Board. Approval of this action would allow for the reactivation of the Board.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 11/15/2016, Item 332. (Council voted 8-0. Councilmember Gloria not present):

(O-2017-75 Cor. Copy)

Amending Chapter 2, Article 6, Division 8, of the San Diego Municipal Code by amending Sections 26.0801, 26.0802, and 26.0803 all relating to the Citizens Advisory Board on Police/Community Relations.
* ITEM-60: Authorization to execute the Golf Division's Equipment Lease and Corporate Marketing Partnership. (Golden Hill, Pacific Beach, and La Jolla Community Areas. Districts 1, 2, and 3.)

**ITEM DESCRIPTION:**

This item is to authorize the award of an equipment and Marketing Partnership contract with Turf Star Inc., and a lease contract with PNC Equipment Finance, LLC, in an amount not to exceed $14,000,000 over a period of twelve (12) years. The Marketing Partnership will provide financial and in-kind support with an approximate value of $7.5 million over the twelve year Agreement. These contracts will ensure that City-operated golf complexes have the appropriate equipment required to provide high quality golf course conditions for City residents and visitors, as well as meet our commitments to host the annual Farmers Open Tournament.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 11/15/2016, Item 333. (Council voted 8-0. Councilmember Gloria not present):

(O-2017-63)

Authorizing the Mayor, or his designee, to execute the contract between the City and Turf Star, Inc., for the purpose of providing the City’s Golf Division with leased golf course equipment. Request for Proposal (RFP) No.: 10072787-17-R;

Authorizing the Mayor, or his designee, to execute the Marketing Partnership Agreement between the City and Turf Star, Inc., for the purpose of entering into a Corporate Marketing Sponsorship to provide financial and in-kind support to the Golf Division for the yearly Farmers Insurance Open and the 2021 US Open, RFP No.: 10072787-17-R;

Authorizing the Mayor, the Chief Operating Officer, the Chief Financial Officer or any of their respective designee, to execute the Master Lease between the City and PNC Equipment Finance, LLC, RFP No.: 10072787-17-R, and any subsequent leases pursuant to the Master Lease;

Authorizing the Chief Financial Officer to expend an amount not to exceed $488,200 from the Golf Enterprise Fund No. 700043, for the remainder of FY 2017, solely and exclusively, to provide funds for the Master Lease, contingent upon the Chief Financial Officer first furnishing one or more certificates demonstrating that funds are, or will be, on deposit with the City Treasurer;
Authorizing the Chief Financial Officer to expend an amount not to exceed $13,511,800 from the Golf Enterprise Fund No. 700043, for the remaining term of the Master Lease beginning in FY 2018, solely and exclusively, to provide funds for the Master Lease, contingent upon Council approval of the Annual Appropriations Ordinance for the applicable fiscal year, and contingent upon the Chief Financial Officer first furnishing one or more certificates demonstrating that funds are, or will be, on deposit with the City Treasurer.

**NOTE:** 6 votes required pursuant to Section 99 of the City Charter.
ITEM-61: Uptown Community Plan Update. (Uptown Community Plan Area. District 3.)

ITEM DESCRIPTION:

The Uptown Community Plan Update would provide a long-range, comprehensive policy and zoning framework for urban growth and development within the Uptown Community Planning Area and consist of a comprehensive update amending the 1988 Uptown Community Plan and Amendment to the General Plan; amendment of the Municipal Code to the repeal Chapter 15, Article 12 and Article 20 related to the Mid-City Communities and West Lewis Street Planned Districts; Amendment of Chapter 13, Article 2 of the Municipal Code to amend the boundaries of the Community Plan Implementation Overlay Zone; rezones consistent with the update Community Plan; certification of a Program Environmental Impact Report, and an Impact Fee Study.

CITY COUNCIL'S RECOMMENDATION:

Adopt the ordinances in Subitems A, B, and C which were introduced on 11/14/2016, Item 201, Subitems C, D, and F. Adopt the ordinance in Subitem D which was amended by Council Action at time of introduction on 11/14/2016, Item 201, Subitem E. (Council voted 7-2. Council President Lightner-nay and Councilmember Alvarez-nay):

Subitem-A: (O-2017-69 Cor. Copy)

Amending Chapter 15, Article 12, Division 1 of the San Diego Municipal Code by repealing Sections 1512.0101, 1512.0102, 1512.0103, and 1512.0110; amending Chapter 15, Article 12, Division 2 by repealing Sections 1512.0201, 1512.0202, 1512.0203, 1512.0204, 1512.0205, and 1512.0206; amending Chapter 15, Article 12, Division 3 by repealing Sections 1512.0301, 1512.0302, 1512.0303, 1512.0304, 1512.0305, 1512.0306, 1512.0307, 1512.0308, 1512.0309, 1512.0310, and 1512.0311; amending Chapter 15, Article 12, Division 4 by repealing Sections 1512.0401, 1512.0402, 1512.0403, 1512.0404, 1512.0405, 1512.0406, 1512.0407, and 1512.0408; and amending Chapter 15, Article 12 by repealing Figure 1, Figure 2, Figure 3, and Figure 4 all relating to Uptown Community Plan Update and the Mid-City Communities Planned District Ordinance.

Subitem-B: (O-2017-66 Cor. Copy)

Amending Chapter 15, Article 20, Division 1 of the San Diego Municipal Code by repealing Sections 1520.0101, 1520.0102, and 1520.0103; amending Chapter 15, Article 20, Division 2 by repealing Sections 1520.0201, 1520.0202, and 1520.0203; amending Chapter 15, Article 20, Division 3 by repealing Sections 1520.0301, 1520.0302, and 1520.0303; and amending Chapter 15, Article 20, Division 4 by repealing Sections 1520.0401 and 1520.0402 all relating to the Uptown Community Plan Update and the West Lewis Street Planned District Ordinance.
Subitem-C: (O-2017-77)

Amending Chapter 13, Article 2, Division 14 of the San Diego Municipal Code by amending Sections 132.1402, Table 132-14A and 132.1403, Diagram 132-14K all relating to the Uptown Community Plan Update and Community Plan Implementation Overlay Zone.

Subitem-D: (O-2017-78 Rev. Copy)

Rezoning 1,875 acres located in Uptown, within the Uptown Community Plan Area, in the City of San Diego, California, from the West Lewis Street Planned District Ordinance and the Mid-City Communities Planned District Ordinance to the RM-1-1, RM-2-5, RM-3-7, RM-3-9, RM-4-10, CN-1-1, CN-1-3, CN-1-4, CC-3-4, CC-3-6, CC-3-8, CC-3-9, OR-1-1 Zones, and repealing Ordinance Nos. 0-19598 and 0-19596, adopted March 27, 2007, of Ordinances of the City of San Diego insofar as the same conflict herewith.
* ITEM-62: High Occupancy Single Dwelling Unit Ordinance Applicable Citywide and Within College Area (aka College Area Community Character Preservation Ordinance), and Increased Code Enforcement Administrative Civil Penalties Ordinance Applicable Citywide. (College Area Community Plan Area/Citywide. District 9/Citywide.)

**ITEM DESCRIPTION:**

The High Occupancy Single Dwelling Unit Ordinance would amend the Land Development Code (Ch. 13, Art. 1; Ch. 11, Art. 3; and Ch. 14, Art. 2) and the City’s Local Coastal Program related to housing to place certain limits on the development of larger single family homes in RS Zones citywide, as well as additional limits on the development of larger single family homes in RS Zones in the College Area Community Plan area. The proposal involves the number of bedroom, the number of off-street parking spaces, and the amount of interior common area allowed. The Increased Code Enforcement Administrative Civil Penalties Ordinance would amend Municipal Code Chapter 1, Article 2 to increase the maximum allowable penalties for enforcement actions carried out by the City of San Diego for all San Diego Municipal Code violations Citywide.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinances which were introduced on 11/14/2016, Item 203, Subitems A and B. (Council voted 6-3. Councilmember Kersey-nay, Councilmember Cate-nay, and Councilmember Sherman-nay):

Subitem-A: (O-2017-45)

Amending Chapter 1, Article 2, Division 8 of the San Diego Municipal Code by amending Section 12.0803, relating to Code Enforcement Administrative Civil Penalties.

Subitem-B: (O-2017-46)

Amending Chapter 11, Article 3, Division 1 of the San Diego Municipal Code by amending Section 113.0103; amending Chapter 13, Article 1, Division 4 by amending Section 131.0431, retitling and amending Section 131.0447, and by adding new Section 131.0457; and amending Chapter 14, Article 2, Division 5 by amending Sections 142.0510, 142.0520, and 142.0521, all relating to High Occupancy Single Dwelling Units.
* ITEM-63:  San Ysidro Community Plan & Local Coastal Program Land Use Plan and San Ysidro Historic Village Specific Plan. (San Ysidro Community Area. District 8.)

**ITEM DESCRIPTION:**

This effort will replace the 1990 San Ysidro Community Plan & Local Coastal Program Land Use Plan with an updated community plan for the San Ysidro Community and includes the San Ysidro Historic Village Specific Plan, associated rezoning, amendments to the Land Development Code and the certification of a Program Environmental Impact Report.

**CITY COUNCIL RECOMMENDATION:**

Adopt the following ordinances which were introduced on 11/15/16, Item 335, Subitems C, D, and E. (Council voted 8-0. Councilmember Gloria not present):

**Subitem-A:** (O-2017-42)

Amending Chapter 15, Article 18, Division 1 of the San Diego Municipal Code by repealing Sections 1518.0101, 1518.0102, and 1518.0103; by amending Chapter 15, Article 18, Division 2 by repealing Sections 1518.0201, 1518.0202, and 1518.0203; by amending Chapter 15, Article 18, Division 3 by repealing Sections 1518.0301 and 1518.0302; by amending Chapter 15, Article 18, Division 4 by repealing Sections 1518.0401 and 1518.0402; by amending Chapter 15, Article 18 by repealing appendices A, B, and C; by amending Chapter 15, Article 19, Division 1 by repealing Sections 1519.0101, 1519.0102, 1519.0103, and 1519.0104; by amending Chapter 15, Article 19, Division 2 by repealing Sections 1519.0201, 1519.0202, 1519.0203, 1519.0204, and 1519.0205; by amending Chapter 15, Article 19, Division 3 by repealing Sections 1519.0301, 1519.0302, 1519.0303, 1519.0304, and 1519.0305; by amending Chapter 15, Article 19, Division 4 by repealing Sections 1519.0401, 1519.0402, 1519.0403, 1519.0404, 1519.0405, 1519.0406, and 1519.0407; by amending Chapter 15, Article 19 by repealing appendices A, B, C.1, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, and U, all relating to the southeastern San Diego and San Ysidro planned district ordinances.

**Subitem-B: (O-2017-58 Cor. Copy)**

Adopting the San Ysidro Historic Village Specific Plan in the San Ysidro Community Plan Area.

**Subitem-C: (O-2017-60 Cor. Copy)**

Approving the rezone of property within the San Ysidro Community Plan Area, in the City of San Diego, California, and repealing Ordinance O-19602, adopted March 27, 2007, of ordinances of the City of San Diego insofar as the same conflicts herewith.
ADOPTION AGENDA, CONSENT ITEMS
ORDINANCES TO BE INTRODUCED WITH RESOLUTIONS TO BE ADOPTED:

* ITEM-64: Master Lease Agreement to Finance Vehicles and Equipment. (Citywide.)

ITEM DESCRIPTION:

This item is to approve the form of and execution of the Master Lease Agreement in an amount not to exceed $30 million, with Banc of America Public Capital Corp ("BAPCC") to finance various essential vehicles and equipment.

STAFF'S RECOMMENDATION:

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

Subitem-A:  (O-2017-84)

Introduction of an Ordinance authorizing and directing the Mayor to finance the acquisition of the vehicles and equipment described in the Report under the Master Lease Agreement with BAPCC approved by this Ordinance;

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. 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 $30,000,000; (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-2017-270)

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 Projects 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 Projects;

Declaring that this Declaration of Intent shall take effect from and after the date of its adoption.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:
Based on the current list of vehicles and equipment that are expected to be funded, approximately $23 million will be funded on a 5-year term and the remaining $7 million will be funded on a 7-year term. Based on interest rates as of November 3, 2016, the effective interest rates are estimated to be 1.37% and 1.48%, respectively. For vehicles and equipment financed using the five (5) year term, the principal and interest payments will total approximately $23.9 million over FYs 2018-2023. For vehicles and equipment financed using the seven (7) year term, the principal and interest payments will total approximately $7.5 million over FYs 2018-2025.

Semi-annual lease payments will be made from the respective department's operating budgets. 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 draws, the fixed interest rate based on the index level at the time of funding of vendor payment, and the final repayment schedules.

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 alternative sources of funding are identified, or cash purchases ("pay go") are an option, the City will still have that flexibility.

Reimbursement Resolution:

Payments to vendors for equipment or vehicles are expected to occur at the time of delivery prior to drawing down the Master Lease Agreement. The City then expects to reimburse itself periodically. 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 vehicle and equipment 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 reimburse itself for all qualified vehicle and equipment payments the City fronts while acquiring the assets described herein.
PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:
On November 16, 2016, the proposed item was approved at the Budget and Government Efficiency Committee. See attached Committee Action Sheet for additional details.

ACTION: Motion by Councilmember Cate, second by Councilmember Cole, to recommend Council adopt the resolution and approve the agreement.

VOTE: 3-0; Sherman-yea, Cole-yea, Cate-yea, Gloria-not present.

Kommi/Lewis

Primary Contact\Phone: Jyothi Pantulu\619-236-6917, MS 7B
Secondary Contact\Phone: Marcos Briseno\619-236-6946, MS 7B
City Attorney Contact: Will, Brant C.
ADDITION AGENDA, CONSENT ITEMS
RESOLUTIONS:

* ITEM-100: Contract for Cultural Tourism Promotion Services with San Diego Tourism Authority. (Citywide.)

ITEM DESCRIPTION:
This action requests authorization to execute an agreement with San Diego Tourism Authority in an amount not to exceed $374,802 in Fiscal Year 2017 for cultural tourism promotions as part of implementing the Penny for the Arts Five-Year Blueprint.

STAFF'S RECOMMENDATION:
Adopt the following resolution:

(R-2017-248)

Authorizing the Mayor, or his representative, to execute an Agreement with the San Diego Convention and Tourism Bureau, dba San Diego Tourism Authority, in an amount not to exceed $374,802 for the purpose of cultural tourism promotion in Fiscal Year 2017;

Authorizing the Chief Financial Officer to expend an amount not to exceed $374,802 from Cost Center 1414111611, Fund No. 200205, for the purpose of executing this Agreement.

FISCAL CONSIDERATIONS:
Funding for this Agreement will come from Cost Center 1414111611, Fund No. 200205. The maximum agreement amount shall not exceed $374,802 for Fiscal Year 2017.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:
This item was heard at the Economic Development and Intergovernmental Relations Committee meeting on November 17, 2017.

ACTION: Motion by Councilmember Cate, second by Councilmember Alvarez, to recommend Council approve the agreement.

VOTE: 3-0; Cole-yea, Cate-yea, Alvarez-yea, Kersey-not present.

Springs/Villa

Primary Contact/Phone: Dana Springs\619-236-6790, MS 652
Secondary Contact/Phone: Christine Jones\619-236-6661, MS 652
City Attorney Contact: Morrison, Catherine C.
* ITEM-101: Authorizing the National Urban Search and Rescue (US&R) Preparedness Cooperative Agreement. (Citywide.)

**ITEM DESCRIPTION:**

This action is to enter into a Memorandum of Agreement (MOA) with the Department of Homeland Security (DHS) via the Federal Emergency Management Agency (FEMA) for continued acceptance as San Diego Fire-Rescue as the sponsoring agency of California Task Force Eight (CA-TF-8) in the National Urban Search and Rescue (US&R) Response System. This action also allows for the application, acceptance, and expenditure of subsequent grant funding received under the Cooperative Agreement.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2017-261)

Authorizing the Mayor, or his designee, to enter into a Memorandum of Agreement with the United States Department of Homeland Security acting through the Federal Emergency Management Agency and the State of California for the San Diego Fire-Rescue Department to continue as the sponsoring agency of California Task Force Eight in the National Urban Search and Rescue Response System;

Authorizing the Mayor, or his designee, to make application and to take all necessary steps to secure funding for California Task Force Eight for Fiscal Years 2017 through 2022;

Authorizing the Chief Financial Officer to accept grant funding for California Task Force Eight should grant funds be awarded for Fiscal Years 2017 through 2022;

Authorizing the Chief Financial Officer to establish a special account for each grant meant for California Task Force Eight for Fiscal Years 2017 through 2022;

Authorizing the Chief Financial Officer to appropriate and expend awarded grant funds meant for California Task Force Eight for Fiscal Years 2017 through 2022, contingent upon the execution of all required grant documents.
STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:
This grant is reimbursable in nature and requires the City to expend funds prior to requesting reimbursement. Expenditures will be initially sourced from the City's General Fund via a special grant fund and then reimbursed from the Department of Homeland Security (DHS).

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:
Resolution R-302997 (2007), to accept a Preparedness Cooperative Agreement for California Task Force Eight (CA-TF-8).
Resolution R-303947 (2008), to accept a Preparedness Cooperative Agreement for CA-TF-8 and to apply, accept, and expend grant funds awarded through DHS/FEMA through Fiscal Year 2013.
Resolution R-305940 (2010), to accept funds for a mobilization exercise drill for CA-TF-8.
Resolution R-303943 (2011), to enter into an MOA with the Department of Homeland Security to accept a Preparedness Cooperative Agreement for CA-TF-8 and to apply, accept, and expend grant funds awarded through DHS/FEMA through Fiscal Year 2016.

This item was heard at the Public Safety and Livable Neighborhoods Committee meeting on October 26, 2016.

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

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

Fennessy/Chadwick

Primary Contact Phone: Colin Stowell\619-533-4306, MS 604
Secondary Contact Phone: Chris Webber\533-4307, MS 604
City Attorney Contact: Brazier, Noah J.
* ITEM-102:  Amendment of San Diego Geographic Information Source (SanGIS) Joint Powers Agreement.  (Rev. 12/1/16)

ITEM DESCRIPTION:

This action is to approve the Amendment of the Joint Powers Agreement between the City of San Diego and the County of San Diego, establishing the regional spatial data maintenance and distribution agency San Diego Geographic Information Source (SanGIS). This Amendment establishes the agency restrictions for exercising procurement power as required by California Government Code 6509. The Amendment also updates roles and technological terms as the Agreement has not been updated in twenty years.  (Rev. 12/1/16)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2017-251 Cor. Copy) (Rev. 12/1/16)

Authorizing the Mayor, or his designee, to execute an Amended and Restated Joint Powers Agreement Creating the San Diego Geographic Information Source (SanGIS), pursuant to the terms and conditions contained in the Agreement.  (Rev. 12/1/16)

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:
The City budgets annual support of San Diego Geographic Information Source (SanGIS). FY17 costs is $655,173.  (Rev. 12/1/16)

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

May 14, 1984, the City, the County, and San Diego Data Processing Corporation, ("SDDPC"), entered into an Agreement ("1984 Agreement") for a term of ten (10) years for the creation and maintenance of a GIS named the Regional Urban Information System ("RUIS").

April 11, 1994, the City, the County, and SDDPC entered into an Extension Agreement, which extended the terms of the 1984 Agreement for one (1) year, with an option to extend through May 14, 1996.

May 13, 1996, the City, County, and SDDPC entered into a Second Extension Agreement for the purpose of extending the term of the Original 1984 Agreement for a maximum period of one (1) year, expiring on June 30, 1997.
July 3, 1997, the City and the County established SanGIS as a separate entity under the Joint Exercise of Powers Act for the purposes and with the powers specified in the July 3, 1997, Agreement.

This item was heard at the Budget and Government Efficiency Committee meeting on November 16, 2016.

ACTION: Motion by Councilmember Cate, second by Councilmember Cole, to recommend the Full Council adopt the resolution and approve the agreement.

VOTE: 3-0; Sherman-yea, Cole-yea, Cate-yea, Gloria-not present.

Behnke/Villa

Primary Contact\Phone: Scott Daeschner\619-533-6417, MS 51SD
Secondary Contact\Phone: Jonathan Behnke\619-533-3637, MS 658B
City Attorney Contact: Lastomirsky, Steven R.
* ITEM-103: Approval of an Amendment to the Agreement for Legal Services with Procopio, Cory, Hargreaves & Savitch, LLP. (Mission Bay Community Area. District 2.)

**ITEM DESCRIPTION:**

This item approves additional funds for the continuation of the Agreement for Legal Services with Procopio, Cory, Hargreaves & Savitch, LLP, to provide insurance coverage representation and counseling in the De Anza Cove Mobile Home Park litigation including the De Anza HOA and Aglio lawsuits, the Scottsdale Declaratory Relief Litigation, the Scottsdale Contribution Acton, the CSAC appeal, the Lloyds of London interpleader lawsuit and, the St. Jon Litigation. With respect to the continued representation of the described matters, this Amendment is for an amount not to exceed $475,000.

**CITY ATTORNEY’S RECOMMENDATION:**

Adopt the following resolution:

(R-2017-142)

Approving the Amendment No. 3 to the Agreement for Legal Services and authorizing and directing the Mayor, or his designee, to sign Amendment No. 3 to the Agreement for Legal Services with Procopio, Cory, Hargreaves & Savitch, LLP;

Authorizing the Chief Financial Officer to appropriate and expend an amount up to $475,000 from the Public Liability Fund, Fund 720045 contingent upon the Chief Financial Officer first furnishing one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

**SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**
Funds will be paid from the Public Liability Fund 720045.

**PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:**
This Amendment applies to the contract for Procopio’s services previously approved by Council and the Mayor on May 16, 2013, by Resolution No. R-308127, Amendment No. 1 to that Agreement for services dated November 18, 2015, and Amendment No. 2 to that Agreement for services dated May 4, 2016.

Karlin

Primary Contact\City Attorney Contact\Phone: John Riley\619-236-7263
Secondary Contact\Phone: Anna Lonergan\619-533-5838
* ITEM-104: Approval of an Agreement for Legal Services with Paul, Plevin, Sullivan & Connaughton, LLP.

ITEM DESCRIPTION:
Approving an Agreement for Legal Services with Paul, Plevin, Sullivan & Connaughton, LLP, to defend the case of Molly Hoot v. City of San Diego et al; San Diego Superior Court Case No. 2016-00035984-CU-OE-CTL.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2017-227)

Approving the retention of outside counsel and authorizing and directing the Mayor, or his designee, to sign the Agreement for Legal Services with Paul, Plevin, Sullivan & Connaughton, LLP.

SUPPORTING INFORMATION

FISCAL CONSIDERATIONS:
Total cost for this Agreement is $50,000 to be paid from Public Liability Fund 720045.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:
The item was heard in Closed Session on October 25, 2016.

Karlin

Primary Contact\City Attorney Contact\Phone: David J. Karlin\619-533-5816
Secondary Contact\Phone: Anna Lonergan\619-533-5838
ITEM DESCRIPTION:

Pursuant to California Government Code Section 53607 and Section 53646, the City Treasurer must annually request delegation of authority to invest or reinvest the City's funds and present the City Treasurer's Investment Policy to City Council at a public meeting.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2017-236)

Receiving and accepting the City Treasurer’s Investment Policy for the Pooled Investment Funds, presented to the Committee on Budget and Government Efficiency on November 16, 2016;

Declaring that the City Council delegates authority to invest or to reinvest the City’s funds to the City Treasurer, commencing January 1, 2017, and expiring December 31, 2017;

Declaring that the City Treasurer shall make reports to the City Council in accordance with the California Government Code.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:
There is no direct impact to the General Fund as a result of the approval of this resolution. Denying approval of this resolution may cause the City to miss opportunities to invest City funds and miss potential market gains from investment.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:
This item was heard at the Budget and Government Efficiency Committee meeting on November 16, 2016.

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

VOTE: 3-0; Sherman-yea, Cole-yea, Cate-yea, Gloria-not present.

Granewich/Lewis

Primary Contact\Phone: Kent Morris\619-533-6253, MS 51V
Secondary Contact\Phone: Tricy Dienst\619-533-6257, MS 51V
City Attorney Contact: Dugard, Prescilla
* ITEM-106: Grant application submittal to San Diego Association of Governments (SANDAG) Land Management Grant Program for Habitat Threat Reduction at Otay Mesa Spring Canyon/Goat Mesa complex. (Otay Mesa Community Area. District 8.)

**ITEM DESCRIPTION:**

This action is to authorize the application, acceptance, appropriation and expenditure of San Diego Association of Governments (SANDAG’s) Transnet Environmental Mitigation Program (EMP) Land Management Grant Program funding. The grant funding will be used by the Park and Recreation Department for habitat threat reduction at Otay Mesa’s Spring Canyon/Goat Mesa complex.

**STAFF'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2017-238)

Authorizing the Mayor, or his designee, to submit an application to San Diego Association of Governments (SANDAG) for the Environmental Mitigation Program Land Management Grant Program funding in the amount of $50,000 for the Project;

Declaring that if a grant award is made by SANDAG to fund the Project, the City commits to providing no matching funds and/or in kind contributions as set forth in its grant application;

Authorizing the Mayor, or his designee, to conduct all negotiations and to sign and submit all documents, including applications, agreements, amendments and payment requests, which may be necessary for compliance with the grant and completion of the Project, if a grant award is made by SANDAG to fund the Project;

Authorizing the Chief Financial Officer to accept, appropriate and expend funds for an amount not to exceed $50,000 for the Project, if the grant funding is secured;

Authorizing the Chief Financial Officer to establish a special interest-bearing account for the grant, if required, if the grant funding is secured.

Subitem-B: (R-2017-239)

Determining that the authorization of an application for a grant from San Diego Association of Governments (SANDAG) is categorically exempt from California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15308 and that an exception to the exemption does not apply under CEQA Guidelines Section 15300.2.
STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:
With this action, San Diego Association of Governments (SANDAG) Land Management Program requested grant funding in the amount of $50,000 will be authorized for fencing key access points and areas of frequent off-road vehicle use. Should the grant be awarded, funds would be made available in Winter 2016/2017 with a grant performance period of 18 months. The SANDAG Land Management Program requests that progress reports and invoices be submitted for grant payment on a quarterly basis.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: N/A

Parker/Graham

Primary Contact\Phone:  Meredith Dawson\619-525-8217, MS 37C
Secondary Contact\Phone:  Albert Cuevas\619-533-6518, MS 37C
City Attorney Contact:  Ferbert, Heather M.
* ITEM-107:  Easement Grant to ARE-SD Region No. 42, LLC, for sewer and water purposes on dedicated unimproved open space park land south of Lusk Boulevard (APN 340-090-54), San Diego, CA. (Mira Mesa Community Area. District 6.)

**ITEM DESCRIPTION:**

Authorize the Mayor, or his designee, to grant a 5,015 SF easement to ARE-SD Region No. 42, LLC, for sewer and water purposes on unimproved land south of Lusk Boulevard (APN 340-090-54), San Diego, CA at its appraised value of $2,500.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2017-276)

Authorizing the Mayor, or his designee, to grant an approximate 5,015 square foot easement to ARE-SD Region 42, LLC, for the appraised value of $2,500, for underground water and sewer pipelines which will run across that certain 36-acres of City-owned unimproved real property, located on the south side of Lusk Boulevard, southwest of Headquarters Point, identified as APN 340-090-54; the easement being further described and depicted on the drawings on file. The conveyance of the easement shall occur concurrent with the closing of escrow of ARE-SD Region 42, LLC’s, purchase of the adjacent City-owned property;

Authorizing the Mayor, or his designee, to negotiate and execute an underground sewer and water easement agreement, and any other documents necessary to grant the easement;

Authorizing the Chief Financial Officer to accept and deposit $2,500 into Capital Outlay Fund 400002.
STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:
Proceeds from the easement sale, net of costs related to the easement sale, will be deposited in the Capital Outlay Fund 400002.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:
Ordinance 19136 adopted January 7, 2003, dedicating City owned land for a public park.

This item was approved on consent at the Smart Growth and Land Use Committee meeting on November 16, 2016.

ACTION: Motion by Councilmember Sherman, second by Councilmember Alvarez, to recommend Council adopt the resolution.

VOTE: 3-0; Zapf-yea, Sherman-yea, Alvarez-yea, Gloria-not present.

Thompson/Villa

Primary Contact\Phone: Mary Carlson\619-236-6079, MS 51A
Secondary Contact\Phone: Cybele Thompson\619-236-6145, MS 51A
City Attorney Contact: Ables, Melissa D.
* ITEM-108: City of San Diego Multiple Species Conservation Program (MSCP) - Tax default property acquisitions. (Torrey Hills and Otay Mesa Community Areas. Districts 1 and 8.)

ITEM DESCRIPTION:

This item is to authorize the acquisition in fee of three (3) tax default parcels in the Otay Mesa and Torrey Hills areas as part of the City’s Multiple Species Conservation Program (MSCP) Subarea Plan and Implementing Agreement in San Diego.

STAFF'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2017-259)

Agreeing to pay the County of San Diego the following amounts as purchase prices for the following parcels: $2,414.60 for parcel APN 667-040-04-00; $3,570.78 for parcel APN 645-075-13-00; and $37,157.74 for parcel APN 307-100-14-00;

Authorizing the Mayor, or designee, to execute and deliver the Agreement for Sale and Purchase of Tax-Defaulted Real Property and Covenants, Conditions and Restrictions, for the acquisition of the Properties identified as APN 667-040-04-00, APN 645-075-13-00, and APN 307-100-14-00, and to execute and deliver all such agreements and documents necessary to effect and complete the transaction contemplated by this Resolution, including acceptance of all associated Grant Deeds;

Authorizing the Chief Financial Officer to expend an amount not to exceed $50,000 from the Habitat Acquisition Fund (HAF) 200401 for the acquisition of the parcels identified as APN 667-040-04-00, APN 645-075-13-00, and APN 307-100-14-00, contingent upon the Chief Financial Officer furnishing a certificate certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

Subitem-B: (R-2017-260)

Determining that the Project is categorically exempt from California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15313;

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

FISCAL CONSIDERATIONS:
The amount of compensation to be paid for the acquisitions not to exceed $50,000. The funds are available within the Habitat Acquisition Fund (HAF). Allocated funding shall be used for the purposes of fee acquisitions and related expenses.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:
The Habitat Acquisition Fund (HAF) was approved by City Council on February 12, 1990, (R-275129) to “for acquisition, maintenance, and administrative costs associated with the establishment of biological habitat preserves.”

This item was heard at the Smart Growth and Land Use Committee meeting on November 16, 2016.

ACTION: Motion by Councilmember Sherman, second by Councilmember Alvarez, to recommend Council adopt the resolution.

VOTE: 3-0; Zapf-yea, Sherman-yea, Alvarez-yea, Gloria-not present.

Thompson/Villa

Primary Contact\Phone: Christina Marin\619-533-6509, MS 51A
Secondary Contact\Phone: Barry Slotten\619-236-6724, MS 51A
City Attorney Contact: Bevier, Debra J.
* ITEM-109:  Sale of 1,412 square feet of unimproved land within the dedicated Right-of-Way at the north-east corner of Washington and Pacific Highway, San Diego, CA 92101 to Kennebec Properties II, LLC. (Midway-Pacific Highway Community Areas, District 2.)

**ITEM DESCRIPTION:**

Authorize the Mayor, or his designee, to sell 1,412 square feet of unimproved land within the dedicated right-of-way at the north-east corner of Washington and Pacific Highway, San Diego, CA 92101 to Kennebec Properties II, LLC, at or above its appraised value of $21,500.

**STAFF'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A:  (R-2017-277)

Authorizing the Mayor, or his designee, to sell that certain 1,412 square feet of unimproved real property located in the dedicated right-of-way at the northeast corner of Washington Street and Pacific Highway, in the City of San Diego Property, to Kennebec Properties II, LLC, for a purchase price of $21,500, which is the minimum acceptable sale price, and subject to the further terms and conditions of the Purchase and Sale Agreement;

Directing and authorizing the Mayor, or his designee, to execute and deliver, on behalf of the City, the Purchase and Sale Agreement, a grant deed, and all other agreements and documents, necessary to complete the sale and transfer of the Property to Kennebec Properties II, LLC;

Authorizing and directing the Chief Financial Officer to accept the Independent Consideration and deposit it into the General Fund No. 100000;

Authorizing and directing the Chief Financial Officer to accept the proceeds from the sale of the Property, net of the costs of selling the Property, and deposit the proceeds into the Capital Outlay Fund 400002.

Subitem-B:  (R-2017-278)

Determining that the Project is categorically exempt from California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15312, and that 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:
The $100 Independent Contract Consideration Payment will be deposited into the General Fund No. 100000, Cost Center 1613000001.

Proceeds from the sale, net of costs related to the sale, will be deposited in the Capital Outlay Fund 400002.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:
This item was heard at the Smart Growth and Land Use Committee meeting on November 16, 2016.

ACTION: Motion by Councilmember Sherman, second by Councilmember Alvarez, to recommend Council adopt the resolution.

VOTE: 3-0; Zapf-yea, Sherman-yea, Alvarez-yea, Gloria-not present.

Thompson/LoMedico

Primary Contact\Phone: Mary Carlson\619-236-6079, MS 51A
Secondary Contact\Phone: Cybele Thompson\619-236-6145, MS 51A
City Attorney Contact: Ables, Melissa D.
* ITEM-110: Sale of 0.234 acres of unimproved land located at Chadwick and Manos Drive, San Diego, CA 92139 (APN 591-260-14 and a portion of APN 591-040-42). (Skyline-Paradise Hills Community Areas. District 4.)

**ITEM DESCRIPTION:**

Authorize the Mayor, or his designee, to sell 0.234 acres of unimproved land located at Chadwick and Manos Drive, San Diego, CA 92139 (APN 591-260-14 and a portion of APN 591-040-42) at or above its appraised value of $27,500.

**STAFF'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2017-279)

Authorizing the Mayor, or his designee, to sell that certain 0.234 acres of real property located at Chadwick and Manos Drive described as vacant unimproved real property and identified as Assessor’s Parcel No. (APN) 591-260-14 and a portion of APN 591-040-42, either in its entirety or in divided parts, as appropriate, provided that the total purchase price is not less than $27,500, which is the minimum acceptable sale price for which the Property may be sold for at least the first twelve (12) months following the passage of this resolution;

Directing and authorizing the Mayor, or his designee, to execute and deliver, on behalf of the City, the Purchase and Sale Agreement(s), grant deed(s), and all other agreements and documents, necessary to complete the sale and transfer of the Property;

Directing the Mayor, or his designee, to have the Property re-appraised at least once every twelve months until sold, and if the re-appraised value is greater than the minimum acceptable sale price set on the date of this resolution, the re-appraised value will become the minimum acceptable sale price; however, if after attempting to sell the property, the Mayor, or his designee, determining that the Property cannot be sold at or above the minimum acceptable sale price, the Mayor will seek review and additional direction from the Council as to the disposition of the Property;

Authorizing and directing the Chief Financial Officer to accept any Independent Contract Consideration and deposit it into the General Fund No. 100000;

Authorizing and directing the Chief Financial Officer to accept the proceeds from the sale of the Property, net of the costs of selling the Property, and deposit the proceeds into the Capital Outlay Fund 400002.
Subitem-B: (R-2017-280)

Determining that the Project is categorically exempt from California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15312, and that 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:**

Any Independent Contract Consideration Payment will be deposited into the General Fund No. 100000.

Proceeds from the sale, net of costs related to the sale, will be deposited in the Capital Outlay Water Fund 400004.

**PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:**
The Property was one of the properties presented at the September 21, 2016, Smart Growth and Land Use Committee meeting, under the item titled: “Informational Item - Proposed Sale of Various Non-Essential Public Utilities Department Properties”.

This item was heard at the Smart Growth and Land Use Committee meeting on November 16, 2016.

**ACTION:** Motion by Councilmember Sherman, second by Councilmember Alvarez, to recommend Council adopt the resolution.

**VOTE:** 3-0; Zapf-yea, Sherman-yea, Alvarez-yea, Gloria-not present.

Thompson/LoMedico

Primary Contact\Phone: Mary Carlson\619-236-6079, MS 51A
Secondary Contact\Phone: Cybele Thompson\619-236-6145, MS 51A
City Attorney Contact: Ables, Melissa D.
ITEM-111: Sale of 0.31 acres of City property on Hancock Street, San Diego, CA 92110 (APN 441-530-38), to the adjacent property owner, 3650 Hancock Street, LLC. (Midway-Pacific Highway Community Areas. District 2.)

ITEM DESCRIPTION:

Authorize the Mayor, or his designee, to sell 0.31 acres (13,504 square feet) on Hancock Street, San Diego, CA 92110 (APN 441-530-38). The property would be sold to the adjacent property owner, 3650 Hancock Street, LLC, at its appraised value of $227,000. (Rev. 12/02/16)

STAFF'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2017-263)

Authorizing the Mayor, or his designee, to sell that certain real property owned by the City of San Diego, located on Hancock Street, which is improved with concrete paving, and identified as APN 441-530-38, to 3650 Hancock Street, LLC, for a purchase price of $227,000, subject to reservation of all existing and needed easements over, under, along, and across the Property (as will be more specifically set forth in the conveying grant deed), and subject to the further terms and conditions of the Purchase and Sale Agreement;

Waiving the compliance with Council Policy 700-10 concerning exclusive negotiations;

Directing and authorizing the Mayor, or his designee, to execute and deliver, on behalf of the City, the Purchase and Sale Agreement, a grant deed (which shall contain the description of the reservation of all existing and needed easements over, under, along, and across the Property), and all other agreements and documents, necessary to complete the sale and transfer of the Property to 3650 Hancock Street, LLC;

Authorizing and directing the Chief Financial Officer to accept the Independent Consideration and deposit it into the General Fund No. 100000;

Authorizing and directing the Chief Financial Officer to accept the proceeds from the sale of the Property, net of the costs of selling the Property, and deposit said proceeds into the Capital Outlay Fund No. 400002.

Subitem-B: (R-2017-264)

Determining that the Project is categorically exempt from California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15312, and that an exception to the exemption as set forth in CEQA Guidelines Section 15300.2 does not apply.
STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:
Any Independent Contract Consideration Payment will be deposited into the General Fund No. 100000, Cost Center 1613000001.

Proceeds from the sale, net of costs related to the sale, will be deposited in the Capital Outlay Fund 400002.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:
This item was heard at the Smart Growth and Land Use Committee meeting on November 16, 2016.

ACTION: Motion by Councilmember Sherman, second by Councilmember Alvarez, to recommend Council adopt the resolution.

VOTE: 3-0; Zapf-yea, Sherman-yea, Alvarez-yea, Gloria-not present.

Thompson/LoMediuco

Primary Contact\Phone: Mary Carlson\619-236-6079, MS 51A
Secondary Contact\Phone: Cybele Thompson\619-236-6145, MS 51A
City Attorney Contact: Powell, David L.
* ITEM-112: Sale of 0.14 acres of unimproved land located adjacent to 6405 Eider Street, San Diego, CA 92114. (Encanto Community Area. District 4.)

ITEM DESCRIPTION:

Authorize the Mayor, or his designee, to sell approximately 0.14 acres of land, also known as APN 544-073-06, which is located adjacent to privately-owned property located at 6405 Eider Street, San Diego, CA 92114, at or above its appraised value of $10,000.

STAFF'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2017-271)

Authorizing the Mayor, or his designee, to sell through exclusive negotiations that certain 0.14 acres of unimproved real property, also known as Assessor Parcel Number (APN) 544-073-05, provided that the total purchase price is not less than $10,000, which is the minimum acceptable sale price for which the Property may be sold for at least the first twelve (12) months following the passage of this Resolution;

Directing and authorizing the Mayor, or his designee, to execute and deliver, on behalf of the City, a Purchase and Sale Agreement, grant deed, and all other agreements and documents, necessary to complete the sale and transfer of the Property;

Waiving compliance with Council Policy 700-10 concerning exclusive negotiations;

Directing the Mayor, or his designee, to have the Property re-appraised at least once every twelve months until sold, and if the re-appraised value is greater than the minimum acceptable sale price set on the date of this resolution, the re-appraised value will become the minimum acceptable sale price; however, if after attempting to sell the property, the Mayor, or his designee, determines that the Property cannot be sold at or above the minimum acceptable sale price, the Mayor will seek review and additional direction from the Council as to the disposition of the Property;

Authorizing and directing the Chief Financial Officer to accept any Independent Contract Consideration and deposit it into the General Fund 100000;

Authorizing and directing the Chief Financial Officer to accept the proceeds from the sale of the Property, net of the costs of selling the Property, and deposit the proceeds into the Capital Outlay Water Fund 400004.
Subitem-B: (R-2017-272)

Determining that the Project is categorically exempt from California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15312, and that 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:
Proceeds from the sale, net of costs related to the sale, will be deposited in the Capital Outlay Water Fund 400004.

Any Independent Contract Consideration Payment will be deposited into the General Fund No. 100000.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:
The Property was one of the properties presented at the September 21, 2016, Smart Growth and Land Use Committee meeting, under the item titled: “Informational Item - Proposed Sale of Various Non-Essential Public Utilities Department Properties”.

This item was approved at the Smart Growth and Land Use Committee meeting on November 16, 2016.

ACTION: Motion by Councilmember Sherman, second by Councilmember Alvarez, to recommend Council adopt the resolution.

VOTE: 3-0; Zapf-yea, Sherman-yea, Alvarez-yea, Gloria-not present.

Thompson/LoMedico

Primary Contact\Phone: Mary Carlson\619-236-6079, MS 51A
Secondary Contact\Phone: Cybele Thompson\619-236-6145, MS 51A
City Attorney Contact: Bevier, Debra J.
* ITEM-113: Otay Terminal-Calle Fortunada, LLC Twenty (20) Year Lease - Montgomery-Gibbs Executive Airport. (Kearny Mesa Community Area. District 6.)

ITEM DESCRIPTION:

Approving this action will provide revenue to the Airport Enterprise Fund for the next 20 years and will provide necessary parking to the adjacent building located at 3860 Calle Fortunada, San Diego, CA 92123.

STAFF’S RECOMMENDATION:

Adopt the following resolution:

(R-2017-221 Cor. Copy) (Rev. 12/02/16)

Authorizing and directing the Mayor, or his designee, to execute the new 20-Year Flat Rate Lease Agreement between the City of San Diego and Otay Terminal-Calle Fortunada, LLC.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:
The tenant will pay the City $141,600 the first year of the lease which is equal to $11,800 per month. On an annual basis, the monthly rent shall be increased by the percentage increase, if any, in the CPI for (“All Urban Consumers”) for Los Angeles, Riverside, Orange County (1982-84 = 100) of the U.S. Department of Labor, Bureau of Labor Statistics. In no event shall the adjusted rent as established by the CPI be less than the rent in existence immediately prior to the adjustment date or more than four Percent (4%) above the rent in existence immediately prior to the adjustment date. At the beginning of the tenth (10th) lease year there will be a market rate adjustment in lieu of the CPI adjustment.

Total Proposed Annual Rent: $141,600

Current Annual Rent: $140,707

Additional Annual Revenue to Airports: $893

* One Time Payment Upon Assignment: $50,000 or $75,000

* In the case of the Lease being assigned to a new entity the City shall partake in a sharing of equity where the City will receive a fixed $50,000 equity share if the Lease is assigned during years 1-10 of the Lease and a fixed $75,000 equity share if the lease is assigned during years 11-20 of the Lease.
PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:
This item was heard at the Smart Growth and Land Use Committee meeting on October 16, 2016.

ACTION: Motion by Councilmember Alvarez, second by Councilmember Sherman, to recommend Council adopt the resolution.

VOTE: 4-0; Zapf-yea, Gloria-yea, Sherman-yea, Alvarez-yea.

Thompson/Villa

Primary Contact\Phone: Pierre Saladin\858-573-1426, MS 14
Secondary Contact\Phone: Brandi Mulvey\858-573-1433
City Attorney Contact: Bevier, Debra J.
* ITEM-114:  Settlement of personal injury claim of David Aceves, Risk Management File No. 12169.

**ITEM DESCRIPTION:**

This is a complaint for personal injuries suffered by Plaintiff David Aceves as the result of the deployment of a police services dog. The proposed settlement would resolve all claims brought by Plaintiff David Aceves.

**CITY ATTORNEY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2017-207)

Authorizing the Mayor, or his designee, to pay the sum of $385,000 from the Public Liability Fund, Fund No. 720045, in settlement of each and every claim for damages, interest, costs, and fees of any type, including attorney fees, against City of San Diego, its agents and employees, arising from the property damage claim of *David Aceves v. City of San Diego*, United States District Court Case No. 16cv865 BAS (DHB);

Authorizing the Chief Financial Officer to appropriate and expend $385,000 from the Public Liability Fund, Fund No. 720045, contingent upon the Chief Financial Officer first furnishing one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the City Comptroller to issue a check in the amount of $385,000, made payable to Thomas E. Robertson Trust Account.

**SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**
Settlement amount of $385,000 will be paid from the Public Liability Fund, Fund No. 720045.

**PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:**
The item was approved in Closed Session on October 18, 2016.

Karlin

Primary/\City Attorney Contact\Phone: Stacy J. Plotkin-Wolff\619-236-6486, MS 59
* ITEM-115:  Resolution of the Council of the City of San Diego authorizing the dissolution of the La Jolla Community Parking District. (La Jolla Community Area. District 1.)

ITEM DESCRIPTION:

Adopt the Resolution dissolving the La Jolla Community Parking District.

COUNCIL PRESIDENT LIGHTNER'S RECOMMENDATION:

Adopt the following resolution:

(R-2017-288)

Approving the dissolution of the La Jolla Community Parking District.

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:  None.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:
Council approved Resolution R-2005-1307 creating the La Jolla Community Parking District on June 27, 2005.

Parking Advisory Board voted unanimously to support dissolving the La Jolla Community Parking District on November 17, 2016.

Jurado-Sainz

Primary Contact\Phone: Justin Garver\619-236-6611
City Attorney Contact: Malcolm, Katherine Anne
* ITEM-116: Resolution of the Council of the City of San Diego establishing the La Jolla Shores Banner District. (La Jolla Community Area. District 1.)

**ITEM DESCRIPTION:**

Approve the resolution establishing the La Jolla Shores Banner District located on both sides of Torrey Pines Road between the cross streets of Princess Street and Hidden Valley Road and on both sides of La Jolla Parkway between the cross street of Hidden Valley Road and the Ardath Road onramp onto La Jolla Parkway. Allow the La Jolla Shores Business Association to install street banners in the public right-of-way promoting local businesses, events, and community gatherings of general public interest.

**COUNCIL PRESIDENT LIGHTNER'S RECOMMENDATION:**

Adopting the following resolution:

(R-2017-269)

Authorizing and establishing the La Jolla Shores Banner District in accordance with San Diego Municipal Code Section 142.1210(b)(5)(C), the La Jolla Shores Business Association may install banners at the following locations: north and south sides of Torrey Pines Road between Princess Street and Hidden Valley Road; the south side of La Jolla Parkway between Hidden Valley Road and the Ardath Road onramp onto La Jolla Parkway; and the north side of La Jolla Parkway between Hidden Valley Road and the La Jolla Scenic Drive N onramp onto La Jolla Parkway;

Declaring that the banners shall be installed in accordance with the following:

a. The banners shall not be used for commercial or political advertising, except that logos and trademarks of sponsoring organizations shall be permitted.
b. The total area of logos and trademarks shall be limited to five percent of the banner area.
c. The banners shall be displayed for no more than thirty calendar days, with one thirty-calendar-day extension.
d. The banners shall be installed only on light standards that have been equipped by the City with mounting hardware.
e. The banners have received all necessary permits to locate in the public right-of-way.

**SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:** N/A

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

Mojabi

Primary Contact\Phone: Justin Garver\619-236-6611, MS 10A
City Attorney Contact: Lintvedt, Inga B.
* ITEM-117: Resolution of the Council of the City of San Diego Authorizing and Establishing the Miramar Road Banner District. (Mira Mesa Community Area. District 6.)

ITEM DESCRIPTION:

Authorizing and Establishing the Miramar Road Banner District and allow the Mira Mesa Chamber of Commerce to install street banners in the public right-of-way promoting local businesses, events, and community gatherings of general public interest.

COUNCILMEMBER CATE'S RECOMMENDATION:

Adopt the following resolution:

(R-2017-249 Cor. Copy) (Rev. 12/02/16)

Authorizing and establishing the Miramar Road Banner District in accordance with San Diego Municipal Code Section 142.1210(b)(5)(C), the Mira Mesa Chamber of Commerce may install banners at the following locations: north and south sides of Miramar Road between 9650 Miramar Road to 5844 Miramar Road;

The banners shall be installed in accordance with the following:

a. The banners shall not be used for commercial or political advertising, except that logos and trademarks of sponsoring organizations shall be permitted.
b. The total area of logos and trademarks shall be limited to five percent of the banner area.
c. The banners shall be displayed for no more than thirty calendar days, with one thirty-calender-day extension.
d. The banners shall be installed only on light standards that have been equipped by the City with mounting hardware.
e. The banners have received all necessary permits to locate in the public right-of-way.

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS: N/A

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: N/A

Hauser

Primary Contact\Phone: Luis Pallera\619-533-6462, MS 10A
City Attorney Contact: Lintvedt, Inga B.
* ITEM-118: Angle Parking on Illinois Street between Lincoln Avenue and Polk Avenue. (North Park Community Area. District 3.)

**ITEM DESCRIPTION:**
A resolution to install angle parking on the east side of Illinois Street between Lincoln Avenue and Polk Avenue in the Community of North Park.

**STAFF'S RECOMMENDATION:**
Adopt the following resolutions:

Subitem-A: (R-2017-265)

Authorizing the installation of angle parking on the east side of Illinois Street between Lincoln Avenue and Polk Avenue, in accordance with San Diego Municipal Code Section 86.0104 and California Vehicle Code Section 22503;

Authorizing the installation of necessary signs and marking for such angle parking, and the regulations shall become effective on installation of signs;

Authorizing the Chief Financial Officer to expend an amount not to exceed $4,600 from General Fund 100000, Transportation & Storm Water - Street Division’s (211611) Operating Budget for the installation of angle parking on the east side of Illinois Street between Lincoln Avenue and Polk Avenue.

Subitem-B: (R-2017-266)

Declaring that installing angle parking on the east side of Illinois Street between Lincoln Avenue and Polk Avenue is categorically exempt from California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301;

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

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**
The striping of the angle parking spaces will be installed by the City of San Diego Street Division at a cost of $4,600. Funds are available in Street Division's Operating Budget.

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

McFadden/Gomez

Primary Contact/Phone: Gary Pence\619-533-3184, MS 609
Secondary Contact/Phone: Linda Marabian\619-533-3082, MS 608
City Attorney Contact: Gerrity, Ryan P.
* ITEM-119: Appointment to the Sustainable Energy Advisory Board.

**MAYOR FAULCONER’S RECOMMENDATION:**

Adopt the following resolution:

(R-2017-237)

Council confirmation of the following appointment by the Mayor of the City of San Diego, to serve as a member of the Sustainable Energy Advisory Board, for a term ending as indicated:

<table>
<thead>
<tr>
<th>NAME</th>
<th>CATEGORY</th>
<th>TERM ENDING</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hanna Grene</td>
<td>California Center for Sustainable Energy Representative</td>
<td>March 1, 2018</td>
</tr>
<tr>
<td>(City Heights, District 9)</td>
<td>(Filling the seat previously held by Jack Clark)</td>
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</table>
* ITEM-120: Repeal Council Policies 000-06 and 000-22 and Approve Amendments to Council Policies 000-01,000-05, 000-07,000-10, and 000-17. (Citywide.)

**ITEM DESCRIPTION:**


**TODAY’S ACTION IS:**

Adopt the following resolution:

(R-2017-297)

Amending Council Policy 000-01, Council Policy Manual; Council Policy 000-05, Coordination of Special City Council Meetings; Council Policy 000-07, General Regulatory Legislation; Council Policy 000-10, Use of Council Chambers; and Council Policy 000-17, Furnishing Back-Up Material for Council Docket; and repealing Council Policy 000-06, Reconsideration of Noticed Public Hearings, all relating to Council Procedures.

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

**SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:** None.

**PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:**
This item was reviewed at the Rules Committee meeting on October 26, 2016.

**ACTION:** Motion by Councilmember Kersey, second by Councilmember Cate, to approve staff recommendations requesting Council approval of an Ordinance amending or repealing Council Policies 000-01, 000-05, 000-06, 000-07, 000-10, 000-17 and 000-22, and recommending approval to the Council.

**VOTE:** 4-0; Lightner-yea, Kersey-yea, Cate-yea, Emerald-yea, Cole-not present.

Jurado-Sainz

Primary Contact\Phone: Diana Jurado-Sainz\619-533-3920
City Attorney Contact: Dugard, Prescilla
* ITEM-121: Termination of the Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico. (Tijuana River Valley Community Area. District 8.)

**ITEM DESCRIPTION:**

Approve the resolution to terminate the Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

**TODAY’S ACTION IS:**

Adopt the following resolution:

(R-2017-294)

Terminating the continued state of emergency regarding the discharge of raw sewage from Tijuana, Mexico, pursuant to California Government Code Section 8630(d).

**SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:** None.

**PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:**
The Council has been declaring a Continued State of Emergency for the Tijuana River Valley every 2 weeks for the last 23 years, since September 1993.

Jurado-Sainz

Primary Contact\Phone: Diana Jurado-Sainz/619-533-3920
City Attorney Contact: Zeleny, Thomas C.
* ITEM-122:  Adopting an Amended Conflict of Interest Code for the Debt Management Department.

ITEM DESCRIPTION:

This item seeks adoption of an Amended Conflict of Interest Code for the Debt Management Department as part of a required biennial review. The Amendments would update the list of duties for positions listed in Appendix A.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2017-109)

A Resolution adopting an Amended Conflict of Interest Code for the Debt Management Department.

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

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:  N/A

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:  N/A

Karlin

Primary Contact\Phone: Lakshmi Kommi\619-236-6928, MS 7B
Secondary Contact\Phone: Esther C. Woronicz\619-235-5831, MS 7B
City Attorney Contact: Spivak, Sharon B.
* ITEM-123: Adopting an Amended Conflict of Interest Code for the San Diego Convention Center Corporation.

**ITEM DESCRIPTION:**

This item seeks adoption of an Amended Conflict of Interest Code for the San Diego Convention Center Corporation as part of a required biennial review. The Amendments would add positions, delete positions and revise the titles of positions, as reflected in Appendix A of the code.

**CITY ATTORNEY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2017-116)

A Resolution adopting an Amended Conflict of Interest Code for the San Diego Convention Center Corporation.

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

**SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:** N/A

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

Nuesca

Primary Contact\Phone: Jennifer Lyon\619-440-4444
Secondary Contact\Phone: Pat Evans\619-525-5131
City Attorney Contact: Spivak, Sharon B.
ITEM DESCRIPTION:

This item seeks adoption of an Amended Conflict of Interest Code for the Performance and Analytics Department as part of a required biennial review. The Amendments would update Appendix A by including Program Coordinator as a designated position and updating the description of duties of other positions.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2017-110)

A Resolution adopting an Amended Conflict of Interest Code for the Performance and Analytics Department.

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

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS: N/A

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: N/A

Karlin

Primary Contact\Phone: Almis Udrys\619-236-5929, MS 9A
Secondary Contact\Phone: Ulysses Panganiban\619-235-5715, MS 8A
City Attorney Contact: Spivak, Sharon B.
* ITEM-125:  Adopting an Amended Conflict of Interest Code for the Ethics Commission.

ITEM DESCRIPTION:

This item seeks adoption of an Amended Conflict of Interest Code for the Ethics Commission as part of a required biennial review. The Amendments would update the titles of existing positions, add new positions, and delete positions that have been abolished.

CITY ATTORNEY'S RECOMMENDATION:

    Adopt the following resolution:

    (R-2017-113)

    A Resolution adopting an Amended Conflict of Interest Code for the San Diego Ethics Commission.

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

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS: N/A

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: N/A

Nuesca

Primary Contact\Phone:  Stacey Fulhorst\619-533-3477, MS 615E
Secondary Contact\Phone: Stephen Ross\619-533-3494, MS 615E
City Attorney Contact:  Spivak, Sharon B.
* ITEM-126:  Adopting an Amended Conflict of Interest Code for the Risk Management Department.

ITEM DESCRIPTION:

This item seeks adoption of an Amended Conflict of Interest Code for the Risk Management Department as part of a required biennial review. The Amendments would include new positions which had not been previously designated, remove an abolished position, remove positions previously designated but now more appropriately included in another department's code, and amend a disclosure category.

CITY ATTORNEY'S RECOMMENDATION:

Adopting the following resolution:

(R-2017-153)

A Resolution adopting an Amended Conflict of Interest Code for the Risk Management Department.

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

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:  N/A

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:  N/A

Nuesca

Primary Contact\Phone:  Julio Canizal\619-236-6651, MS 51B
Secondary Contact\Phone:  Bill Walker\619-236-6785, MS 51B
City Attorney Contact:  Spivak, Sharon B.
* ITEM-127:  Adopting an Amended Conflict of Interest Code for the Purchasing and Contracting Department.

ITEM DESCRIPTION:

This item seeks adoption of an Amended Conflict of Interest Code for the Purchasing and Contracting Department as part of a required biennial review. The Amendments would add new positions which had not been previously designated, revise titles of positions, and remove titles that no longer exist, as detailed in Appendix A of the code.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2017-117)

A Resolution adopting an Amended Conflict of Interest Code for the Purchasing and Contracting Department.

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

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS: N/A

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: N/A

Nuesca

Primary Contact\Phone:  Matthew Helm\619-536-6104, MS 56P
Secondary Contact\Phone:  Kristina Peralta\619-536-6214, MS 56P
City Attorney Contact:  Spivak, Sharon B.
* ITEM-128:  Adopting an Amended Conflict of Interest Code for the Consolidated Plan Advisory Board.

**ITEM DESCRIPTION:**

This item seeks adoption of an Amended Conflict of Interest Code for the Consolidated Plan Advisory Board as part of a required biennial review. The Amendments would revise the duties of existing positions in Appendix A.

**CITY ATTORNEY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2017-157)

A Resolution adopting an Amended Conflict of Interest Code for the Consolidated Plan Advisory Board.

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

**SUPPORTING INFORMATION**

**FISCAL CONSIDERATIONS:** N/A

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

Nuesca

Primary Contact\Phone: Kimberly D. Vance\619-236-6408
City Attorney Contact: Spivak, Sharon B.
* ITEM-129: Adopting an Amended Conflict of Interest Code for the San Diego City Employees' Retirement System (SDCERS).

ITEM DESCRIPTION:

This item seeks adoption of an Amended Conflict of Interest Code for the San Diego City Employees' Retirement System (SDCERS) as part of a required biennial review. The Amendments would add new positions which had not been previously designated, remove positions previously designated but which no longer exist, and update the required filing categories for each designated position, as detailed in Appendix A.

CITY ATTORNEY'S RECOMMENDATION:

Adopting the following resolution:

(R-2017-158)

A Resolution adopting an Amended Conflict of Interest Code for the San Diego City Employees’ Retirement System (SDCERS).

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

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS: N/A

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: N/A

Nuesca

Primary Contact\Phone: Johnny H. Tran\619-525-3644
Secondary Contact\Phone: Melanie Peter\619-525-3625
City Attorney Contact: Spivak, Sharon B.
* ITEM-130: Adopting an Amended Conflict of Interest Code for the San Diego Housing Commission.

**ITEM DESCRIPTION:**

This item seeks adoption of an Amended Conflict of Interest Code for the San Diego Housing Commission as part of a required biennial review. The Amendments would include new positions which had not previously been designated, amend the titles of existing positions, and delete titles of positions that have been abolished and/or positions that no longer make or participate in making governmental decisions.

**CITY ATTORNEY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2017-159)

A Resolution adopting an Amended Conflict of Interest Code for the San Diego Housing Commission.

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

**SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:** N/A

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

Nuesca

Primary Contact/Phone: Tina Holmes\619-578-7741, MS 49N
City Attorney Contact: Spivak, Sharon B.
* ITEM-131:  Adopting an Amended Conflict of Interest Code for the Department of Information Technology.

ITEM DESCRIPTION:

This item seeks adoption of an Amended Conflict of Interest Code for the Department of Information Technology as part of a required biennial review. The Amendments would create a new position in Appendix A and revise the titles of existing positions in Appendix A.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2017-114)

A Resolution adopting an Amended Conflict of Interest Code for the Department of Information Technology.

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

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:  N/A

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:  N/A

Nuesca

Primary Contact\Phone:  George Brister\619-533-4811
Secondary Contact\Phone:  Jonathan Behnke\619-533-3637
City Attorney Contact:  Spivak, Sharon B.
* ITEM-132: Adopting an Amended Conflict of Interest Code for the Communications Department.

ITEM DESCRIPTION:

This item seeks adoption of an Amended Conflict of Interest Code for the Communications Department as part of a required biennial review. The Amendments add three new positions, remove two positions that have been abolished or no longer make or participate in making governmental decisions, and revise duties of other positions, as detailed in Appendix A.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2017-138)

A Resolution adopting an Amended Conflict of Interest Code for the Communications Department.

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

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS: N/A

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: N/A

Nuesca

Primary Contact\Phone:  Tracy Morales\619-533-4562
Secondary Contact\Phone:  Katie Keach\619-533-4570
City Attorney Contact:  Spivak, Sharon B.
* ITEM-133: Adopting an Amended Conflict of Interest Code for the Real Estate Assets Department.

**ITEM DESCRIPTION:**

This item seeks adoption of an Amended Conflict of Interest Code for the Real Estate Assets Department as part of a required biennial review. The Amendments would add new positions along with their duties and disclosure categories, remove positions that have been abolished or are no longer required to file because of their duties, change titles of certain positions, revise duties of certain positions, and revise disclosure categories of certain positions, as detailed in Appendix A of the code.

**CITY ATTORNEY'S RECOMMENDATION:**

Adopt the following resolution:

(R-2017-152)

A Resolution adopting an Amended Conflict of Interest Code for the Real Estate Assets Department.

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

**SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:** N/A

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

Gleeson Townsley

Primary Contact\Phone: Miguel Duran\619-236-6733, MS 51A
Secondary Contact\Phone: Kristin Geitz\619-236-7031, MS 51A
City Attorney Contact: Spivak, Sharon B.
* ITEM-134:  Adopting an Amended Conflict of Interest Code for the Library Department.

ITEM DESCRIPTION:

This item seeks adoption of an amended Conflict of Interest Code for the Library Department as part of a required biennial review. The Amendments would include new positions and delete titles of positions that have been abolished, as detailed in Appendix A of the code.

CITY ATTORNEY'S RECOMMENDATION:

   Adopt the following resolution:

   (R-2017-146)

   A Resolution adopting an Amended Conflict of Interest Code for the Library Department.

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

SUPPORTING INFORMATION

FISCAL CONSIDERATIONS:  N/A

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:  N/A

Gleeson Townsley

Primary Contact\Phone:  Nicole Spriggs/619-236-5870
Secondary Contact\Phone:  Misty Jones/619-236-5870
City Attorney Contact:  Willian, Monica A.
PROCLAMATIONS/CEREMONIAL ITEMS

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

ITEM-30: La Jolla Town Foundation Day.

PRESENTED BY COUNCIL PRESIDENT LIGHTNER:

Proclaiming December 6, 2016, to be "La Jolla Town Foundation Day" in the City of San Diego.

ITEM-31: Marine Corps Recruit Depot Centennial Day.

PRESENTED BY COUNCILMEMBER ZAPF:

Proclaiming December 6, 2016, to be "Marine Corps Recruit Depot Centennial Day" in the City of San Diego.


PRESENTED BY COUNCILMEMBER CATE:

Proclaiming December 6, 2016, to be "The Child's Primary School 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: National Geography Awareness Week.

MAYOR FAULCONER'S AND COUNCIL PRESIDENT PRO TEM EMERALD'S RECOMMENDATION:

Proclaiming November 13-19, 2016, to be "National Geography Awareness Week" in the City of San Diego.

ITEM-34: La Valencia 90th Anniversary Celebration Day.

COUNCIL PRESIDENT LIGHTNER'S RECOMMENDATION:

Proclaiming December 15, 2016, to be "La Valencia 90th Anniversary Celebration Day" in the City of San Diego.


COUNCIL PRESIDENT LIGHTNER'S AND COUNCILMEMBER ZAPF'S RECOMMENDATION:

Proclaiming December 6, 2016, to be "International Surfing Association Adaptive Surf Day" 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
RESOLUTIONS:

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

ITEM-330: Selection of Chair Pro Tem for December 12, 2016, City Council meeting.
(Citywide.)

ITEM DESCRIPTION:

Suspend Rule 4 and adopt a resolution to select a Chair Pro Tem for the December 12, 2016, Council meeting.

TODAY’S ACTION IS:

Adopt the following resolution:

(R-2017-268)

Declaring that after full discussion and deliberation by the City Council, the Council selects Councilmember ___________ to serve as Chair Pro Tem for the meetings of December 12, 2016, until a Council President is selected and qualified.

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

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS: None.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: None.

Jurado-Sainz

Primary Contact\Phone: Diana Jurado-Sainz\619-533-3920
City Attorney Contact: Dugard, Prescilla
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-331: Authorization for the Public Facilities Financing Authority of the City of San Diego Subordinated Water Revenue Commercial Paper Notes Program. (Citywide.)

ITEM DESCRIPTION:

Authorization for the Public Facilities Financing Authority of the City of San Diego Subordinated Water Revenue Commercial Paper Notes Program.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2017-285)

Adoption of a Resolution by the Council of the City of San Diego approving the Forms of and authorizing the execution and delivery of a 2017 Commercial Paper Supplement to Amended and Restated Master Installment Purchase Agreement and one or more Reimbursement Agreements;

Approving the Form and authorizing the distribution of the Offering Memorandum in connection with the issuance by the Public Facilities Financing Authority of the City of San Diego of its Subordinated Water Revenue Commercial Paper Notes in one or more series or subseries;

Authorizing the City Attorney to appoint Bond Counsel and Disclosure Counsel;

Authorizing the execution, delivery and performance by the Public Facilities Financing Authority of the City of San Diego of a Fifth Supplemental Indenture, an Assignment Agreement, an Issuing and Paying Agency Agreement and one or more Dealer Agreements;

Approving and authorizing the issuance of sale of one or more series or subseries of the Authority’s Subordinated Water Revenue Commercial Paper Notes from time to time;

Approving other documents and actions in connection therewith.
STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:
The $250 million Water Revenue Commercial Paper Program will have costs associated with the maintenance of the program, which are: costs of issuance paid at closing, ongoing program costs, and ongoing interest payments due when commercial paper notes mature. The projected costs of issuance to be paid at closing is $329,700 with commercial paper note proceeds. The ongoing program costs, assuming monthly new issuances based on Water System CIP projected needs, are projected to $0.2 million for the rest of Fiscal Year 2017, $0.9 million in Fiscal Year 2018, and $0.5 million in the first half of Fiscal Year 2019. The ongoing program costs will be budgeted and paid from Water Utility Operating Funds.

Based on the projected Water System CIP spending schedule and the issuances required to support these financing needs, the projected commercial paper interest costs at current rates for the rest of Fiscal Year 2017 is $0.05 million, Fiscal Year 2018 is $0.7 million, and in the first half of Fiscal Year 2019 is $0.6 million. These are projections based on current rates and are subject to change.

The estimated present value debt service savings from issuing commercial paper notes for Water System CIP needs, as compared to immediately issuing long-term bonds, is $13.0 million. The scenario assumes $250 million of commercial paper drawn over a period of two years and no change in long term interest rates between the issuance of commercial paper and the issuance of long term bonds. Under such conditions, due to utilizing commercial paper’s lower short term interest rates and as-needed borrowing structure, present value savings are realized.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:
On November 16, 2016, Debt Management presented the Water Revenue Commercial Paper Authorization to the Budget and Government Efficiency; item was approved and forwarded to City Council.

On March 23, 2015, City Council approved a resolution R-309577 to adopt revisions to the City’s Debt Policy to add guidelines and implementation of a commercial paper notes program.

On February 10, 2015, City Council received financial training from the Independent Budget Analyst for an introduction to Commercial Paper Program and mechanics of implementation, presented by the City’s Municipal Advisor.

Kommi\Lewis\lk

Primary Contact\Phone: Lakshmi Kommi\619-236-6928, MS 7B
Secondary Contact\Phone: Allison Falkenstein\619-533-4516 MS 7B
City Attorney Contact: Will, Brant

NOTE: See the Public Facilities Financing Authority of December 6, 2016, Item FA-1, for a companion item.
This item will be taken in the morning session which is scheduled to begin at 10:00 a.m.

ITEM-332: Uptown Impact Fee Study Fiscal Year 2017. (Uptown Community Plan Area. District 3.)

(Continued from the meeting of November 14, 2016, Item 202, at the request of Councilmember Gloria, for further review.)

ITEM DESCRIPTION:

Requesting approval of the Impact Fee Study (IFS) and the associated Development Impact Fees (DIF) for the Uptown Community.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2017-210)

Adoption of a Resolution approving the Uptown Impact Fee Study, Fiscal Year 2017 (Study);

Authorizing the Chief Financial Officer to establish and modify individual Capital Improvement Program project budgets to reflect the Study, provided funding is available for such action;

That the fee schedule contained in the Study is the appropriate and applicable Development Impact Fee (DIF) schedule for all development within the Uptown area;

Effective sixty days from the date of final passage of this Resolution, that all DIFs due under the Study shall be those fees in effect at the time the project’s building permits or construction permits are issued, in accordance with San Diego Municipal Code Section 142.0640(b);

That the DIFs due shall automatically increase in accordance with San Diego Municipal Code Section 142.0640(c);

That the Study is incorporated by reference into this Resolution as support and justification for satisfaction of findings required pursuant to the Mitigation Fee Act, as set forth in California Government Code Section 66025, for imposition of development impact fees;

That this Resolution shall become effective no earlier than the date of final passage of the Resolution by which the City Council approves the Uptown Community Plan Update, which is being considered concurrently with this action.
STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:
Approval of the Impact Fee Study and DIF will provide a partial funding source for the community-serving infrastructure that is identified in the study. Additional fees may be imposed on future discretionary projects on a case-by-case basis.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:
On October 27, 2016, the Infrastructure Committee considered the Uptown Impact Fee Study for FY 2017 and voted unanimously to recommend Council approve the item.

The current Uptown Public Facilities Financing Plan (PFFP), Fiscal Year 2003 was approved by the City Council on October 8, 2002, by Resolution No. R-297159.

Murphy/Graham/fj

Primary Contact\Phone:  Frank January\619-533-3699, MS 606F
Secondary Contact\Phone:  Scott Mercer\619-533-3676, MS 606F
City Attorney Contact:  Halsey, Keely
This item will be taken in the morning session which is scheduled to begin at 10:00 a.m.

ITEM-333: T-Mobile - Avenida Venusto Project No. 420129. (Rancho Bernardo Community Plan Area. District 5.)

ITEM DESCRIPTION:

This item is to approve and adopt Neighborhood Use Permit No. 1659655 and Open Space Easement Vacation No. 1659656. This Project will result in the installation of a new T-Mobile wireless communication facility at 16150 Bernardo Heights Parkway.

STAFF'S RECOMMENDATION:

Adopt the following resolutions:

Subitem A: (R-2017-241))

Adoption of a Resolution vacating Open Space Easement Vacation No. 1659656 located within Portion of Lot 1 of Parcel 3 of Parcel Map No. 13239, Rancho Bernardo Community Planning Area in connection with Neighborhood Use Permit No. 1659655, as more particularly described in the legal description marked as Exhibit “A” and shown on Drawing No. 39275-B, marked as Exhibit “B,” which are by this reference incorporated herein and made a part hereof;

Directing the Development Services Department to record a copy of this Resolution with attached exhibits, attested by the City Clerk under seal, in the Office of the County Recorder.

NOTE: Subitem A is not subject to the Mayor’s veto.

Subitem B: (R-2017-240)

Adoption of a Resolution by the Council of the City of San Diego adopting the findings with respect to Neighborhood Use Permit No. 1659655;

Granting Neighborhood Use Permit No. 1659655 to Community Association of Bernardo Heights, Owner, and T-Mobile West LLC, Permittee, under the terms and conditions set forth in the attached permit which is made a part of this Resolution.

NOTE: Subitem B is not subject to the Mayor’s veto.
STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:
None. All costs associated with the processing of this project are paid through a deposit account maintained by the applicant.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: None.

Vacchi\Graham\st

Primary Contact\Phone: Simon Tse\619-687-5984, MS 501
Secondary Contact\Phone: Karen Lynch\619-446-5351, MS 501
City Attorney Contact: Lintvedt, Inga
ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

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

ITEM-334: City Auditor’s Performance Audit of the San Diego Housing Commission. (Citywide.)

CITY AUDITOR'S RECOMMENDATION:

Receive the City Auditor's Performance Audit of the San Diego Housing Commission.

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS: N/A

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

The report was presented at the Audit Committee on September 21, 2016.

ACTION: Motion by Councilmember Zapf, second by Committee Member Hebrank, to accept the report and forward to Council.

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

No changes have been made to the report since it was presented to the Committee.

Luna

Primary Contact\Phone: Chris Kime\619-533-3030
Secondary Contact\Phone: Kyle Elser\619-533-3007
ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS
ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:

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

ITEM 335: Public Facilities Financing Authority of the City of San Diego Lease Revenue Bonds, Series 2017 (Balboa Park Parking Related Public Improvements).
(Citywide. While the Project is in District 3, all districts will be served.)

ITEM DESCRIPTION:

Authorize the issuance of Public Facilities Financing Authority of the City of San Diego Lease Revenue Bonds, Series 2017 (Balboa Park Parking Related Public Improvements), the execution of related financing documents, and other necessary actions.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 11/14/2016, Item 200, Subitem A. (Council voted 8-1. Council President Lightner-nay):

(O-2017-64)

Approving the forms of and authorizing the execution and delivery of a Site Lease, a Facilities Lease, a Bond Purchase Agreement and a Continuing Disclosure Certificate and authorizing the execution, delivery and performance of an Indenture by the Public Facilities Financing Authority of the City of San Diego, and approving and authorizing the issuance and sale of the Authority’s lease revenue bonds (Balboa Park parking related public improvements) in an aggregate principal amount not to exceed $50,000,000 and approving other documents and actions in connection therewith.

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

NOTE: See the Public Facilities Financing Authority of December 6, 2016, Item FA-2, for a companion item.
ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS
RESOLUTIONS:

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


ITEM DESCRIPTION:

The City’s current Economic Development Strategy (EDS) adopted by Council in June 2014, covers the period from 2014 to 2016. The EDS outlines specific strategic and tactical objectives that provide guidance to City Departments on actions and policy decisions to support the business community in the creation of new jobs, especially middle-income jobs. Since the adoption of the EDS, other important City documents were adopted vital to the EDD. Even though the overall intent and strategic framework of the EDS still remains applicable, an update is warranted in order to ensure the document accurately reflects the City’s priorities and changing realities.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2017-281)

Accepting the Economic Development Strategy 2017-2019 and finding that it represents the City’s plan for achieving economic growth and fiscal stability for the period of 2017 through 2019;

Authorizing the Mayor, or designee, to implement the Economic Development Strategy 2017-2019.
STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:
There are no fiscal impacts associated with this action.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:
December 2013, Committee on Rules and Economic Development-Draft 2014-2016 EDS
March 2014, Committee - Approved Revised Draft 2014-2016 EDS
June 2014, Council - Adopts 2014-2016 EDS
October 2014, Committee - Economic Development and Intergovernmental Relation- EDS Implementation Presentation
July 2015, Committee - EDS Update Presentation
November 2015, Committee - EDS Economic Indicator Update Presentation
March 10, 2016, Committee - EDS 2017-2019 (Draft) - Committee chair reserved the right to return item to Committee upon review of the incorporated changes suggested by Committee members.
September 29, 2016, Committee - An update was heard by the Economic Development and Intergovernmental Relations Committee and forwarded to Council with a recommendation to adopt the resolution with direction to include an additional metric related to housing affordability/affordable housing. That metric has been incorporated.

This item was heard at the Economic Development and Intergovernmental Relations Committee meeting on March 10, 2016.

ACTION: Motion by Councilmember Alvarez, second by Councilmember Cate, to forward the item to Council without a recommendation. Chair Cole reserved the right to bring the item back to Committee for review should there be substantive changes made as the document is refined and as additional feedback is received.

VOTE: 4-0; Cole-yea, Kersey-yea, Cate-yea, Alvarez-yea.

This item was heard at the Economic Development and Intergovernmental Relations Committee meeting on September 29, 2016.

ACTION: Motion by Councilmember Alvarez, second by Councilmember Kersey, to recommend Council adopt the resolution with direction to include an additional metric related to housing affordability/affordable housing into the Economic Development Strategy.

VOTE: 3-0; Cole-yea, Kersey-yea, Alvarez-yea.  (Rev. 12/02/16)

Caldwell/Graham

Primary Contact\Phone: Lydia Moreno\619-236-6320, MS 56D
Secondary Contact\Phone: Erik Caldwell\619-236-6421, 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-337: Authorization of 2017 State and Federal Legislative Platform. (Citywide.)

ITEM DESCRIPTION:

This action is for Council approval of the 2017 State and Federal Legislative Platform. The Legislative Platform provide a means to protect and advance the City’s interests on priority issues and legislative/regulatory matters on the federal and state levels, and to a degree on the regional and local levels.

MAYOR FAULCONER'S RECOMMENDATION:

Adopt the following resolution:

(R-2017-282)

Approving the 2017 State and Federal Legislative Platform as set forth in the Report to the City Council, Report No. 16-098.

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS: N/A

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

This item was heard at the Economic Development and Intergovernmental Relations Committee on November 17, 2016.

ACTION: Motion by Councilmember Cate, second by Councilmember Alvarez, to recommend Council approve the resolution. The Committee also requested that input be solicited from the incoming Councilmembers.

VOTE: 3-0; Cole-yea, Cate-yea, Alvarez-yea, Kersey-not present.

Anderson/Hansen

Primary Contact\Phone: Alejandra Gavaldon\619-236-6980, MS 11A
Secondary Contact\Phone: Kristin Tillquist\619-236-6597, MS 11A
City Attorney Contact: Morrison, Catherine C.
The following item will be considered in the afternoon session which is scheduled to begin at 2:00 p.m.

ITEM-338: Successor Agency to the Redevelopment Agency of the City of San Diego, Tax Allocation Refunding Bonds, Series 2017A (Tax Exempt) and 2017B (Taxable) - Preliminary Official Statement Authorization. (Citywide.)

ITEM DESCRIPTION:

Authorize the form of and distribution of the Preliminary Official Statement ("POS") for the Successor Agency to the Redevelopment Agency of the City of San Diego ("Successor Agency"), Tax Allocation Refunding Bonds (the "2017 Bonds") and authorize the execution, delivery and distribution of the Official Statement.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2017-283)

Acting in its capacity as the Governing Board of the Successor Agency to the Redevelopment Agency of the City of San Diego, approving the Form of the Preliminary Official Statement for the 2017 Bonds to deem it final under Rule 15c2-12.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

Based on market conditions as of the week of November 14, approximately $252 million in outstanding bonds are expected to be refunded with the issuance of the 2017 Bonds resulting in net present value savings estimated to be 11% of the refunded par amount, which exceeds the 3% threshold set by the City’s Debt Policy. This equals cumulative cash flow savings of approximately $82 million over the remaining 24 year term of the bond issue for an average annual cash flow savings of approximately $3.4 million in Fiscal Years 2018 - 2041.

Lowering the Successor Agency’s debt service will benefit all affected tax sharing entities, including the City by increasing their residual semi-annual Redevelopment Property Tax Trust Fund ("RPTTF") distribution payments made by the County Assessor. Currently, the City’s share of these residual payments is approximately 17.5%. Based on this percent share, the City’s increase in residual payments, as a result of the refunding, equates to approximately $595,000 annually to the City’s General Fund. Other local taxing entities that will benefit from the refunding include local K-12 school districts (residual share is 44%), the County (15%), community college districts (6%), and other special districts.
PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:
On July 20, 2016, Debt Management was scheduled to present the proposed Economic Bond Refunding Opportunity (the 2017 Bonds) to the Budget and Government Efficiency Committee. However, the meeting was adjourned and the item was approved for direct docketing to City Council.

On September 19, 2016, Debt Management presented the proposed 2017 Bond Refunding to the City Council, acting as the Board of the Successor Agency. This was the first reading of Ordinance No. O-20735 and was approved unanimously.

On October 17, 2016, Resolution No. OB-2016-15 was approved by the Oversight Board, authorizing the issuance of the 2017 Bonds and certain other related actions - See Report to Oversight Board dated October 11, 2016, Item 2.

On October 18, 2016, Ordinance No. O-20735 was approved by the Successor Agency, authorizing the issuance of the 2017 Bonds and the related financing documents - See Report to City Council No. 16-077.

Kommi/Lewis

Primary Contact\Phone: Robert Davis\619-533-6477
Secondary Contact\Phone: Lakshmi Kommi\619-236-6928
City Attorney Contact: Will, Brant C.
The following item will be considered in the afternoon session which is scheduled to begin at 2:00 p.m.

ITEM-339: Continue authorization to use Water Funds to fluoridate the potable water supply of the City of San Diego. (Citywide.)

ITEM DESCRIPTION:
This action is to continue authorization for the use of Water Funds to fluoridate the potable water supply of the City of San Diego.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2017-231)

Declaring that the intent of action taken by City Council on June 10, 2008, memorialized in Resolution R-303832, was to authorize the fluoridation of the City’s potable water supply, including the time after funding from the First 5 Commission was exhausted;

Ratifying the expenditure of any and all monies from the Water Fund spent to fluoridate the City’s potable water supply since the funding provided by the First 5 Commission was exhausted;

Authorizing the Mayor, or his designee, to fluoridate the City’s potable water supply at all its water treatment facilities that currently exist, and which may exist in the future, until and unless the City Council specifically revokes this authorization by subsequent resolution;

Authorizing the Chief Financial Officer to expend monies from the Water Fund to fluoridate the City’s potable water supply, provided sufficient funding is available in the approved City budget each fiscal year.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:
No funds are being requested through this action. The City of San Diego will pay the annual operations and maintenance costs associated with the fluoridation of its water supply at its three water treatment facilities in an amount of approximately $300,000 to $350,000 annually.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:
On April 11, 2000, the City Council directed the City Manager to return to City Council with an implementation plan to fluoridate the City’s water system for the City Council’s consideration and approval, pursuant to Resolution No. R-292983.
On June 10, 2008, City Council acknowledged the receipt of correspondence from the First 5 Commission offering an amount not to exceed $3,927,016 for the purpose of fluoridating the public water supply in the City of San Diego and authorized the Mayor to enter into negotiations with the Commission to determine the necessary elements to implement such fluoridation (R-303832).

Also on June 10, 2008, the City Council directed the City Attorney to return to City Council with an ordinance to repeal San Diego Municipal Code (SDMC) Section 67.0101, a citizen’s initiative passed in 1954 which prohibits the fluoridation of the City’s water supply. The City Council cannot amend or repeal citizens initiatives without voter approval pursuant to SDMC Section 27.1049, and the City Attorney’s Office issued three Memoranda of Law (City Att’y MOL Nos. 2007-1, 2008-2, and 2013-3) all explaining that SDMC 67.0101 was preempted in 1995 by an Amendment to the California Safe Drinking Water Act requiring all public water systems with 10,000 or more service connections to fluoridate their water supplies, and that SDMC 67.0101 has no force or effect.

On June 23, 2009, the City Council authorized the award of a contract using First 5 Commission funding to design and install fluoridation equipment at all of the City’s potable water treatment plants, pursuant to Resolution No. R-305021.

In Spring 2013, funding from the First 5 Commission for operation and maintenance of the City’s fluoridation equipment was exhausted and the City continued to fluoridate the water supply using money from the City’s Water Fund.

On August 24, 2016, litigation was filed against the City alleging that the City Council never authorized the continued fluoridation of the City’s water supply after funding from the First 5 Commission was exhausted. The City Council desires to clarify the intent of Resolution No. R-303832 and reaffirm that the City was and is authorized to fluoridate the City’s potable water supply.

Amen/Gomez

Primary Contact\Phone:  Rania Amen\858-292-6418, MS 901
Secondary Contact\Phone:  Michael Williams\619-668-3223, MS 85A
City Attorney Contact:  Palmucci, Raymond C.

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT