

REVISED

CITY OF SAN DIEGO COUNCIL AGENDA



COUNCIL PRESIDENT

Myrtle Cole • Fourth District

COUNCIL PRESIDENT PRO TEM

Mark Kersey • Fifth District

COUNCILMEMBERS

- Barbara Bry • First District**
- Lorie Zapf • Second District**
- Christopher Ward • Third District**
- Chris Cate • Sixth District**
- Scott Sherman • Seventh District**
- David Alvarez • Eighth District**
- Georgette Gómez • Ninth District**

**Andrea Tevlin
Independent
Budget Analyst**

**Mara W. Elliott
City Attorney**

**Liz Maland
City Clerk**

Council Chambers, 12th Floor, City Administration Building

Wednesday, December 13, 2017

**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
WEDNESDAY, DECEMBER 13, 2017 AT 10:00 AM
CITY ADMINISTRATION BUILDING
COUNCIL CHAMBERS - 12TH FLOOR
202 "C" STREET
SAN DIEGO, CA 92101**

ALTERNATE FORMATS

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

SENATE BILL 343 (LATE-ARRIVING MATERIALS)

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

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

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF COUNCIL MINUTES

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

10/16/2017

10/17/2017

10/23/2017 - Adjourned

10/23/2017 - Spec. Adjourned

10/24/2017

10/30/2017

10/31/2017

ADOPTION AGENDA, CONSENT ITEMS

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

ADOPTION AGENDA

CONSENT, ORDINANCES TO BE INTRODUCED:

Item 50: Piazza Famiglia Maintenance, Programming, and Operation Agreement.

Total Estimated Cost of Proposed Action and Funding Source:

This agreement places the maintenance and operations responsibility for Piazza Famiglia with the Little Italy Association at no cost to the City for the initial 25-year term.

Council District(s) Affected: 3.

Proposed Actions:

(O-2018-51)

Introduction of an Ordinance authorizing the Mayor, or his designee, to enter into an Agreement with Little Italy Association and Fenton Little Italy LLC, to provide maintenance and operation services related to the Piazza Famiglia in the Little Italy neighborhood.

Committee Actions Taken:

This item was heard at the Public Safety and Livable Neighborhoods Committee meeting on November 16, 2017.

ACTION: Motion by Councilmember Ward, second by Councilmember Cate, to recommend Council adopt an ordinance authorizing an agreement between the City, Little Italy Association, and Fenton Little Italy LLC, to maintain, program, and operate Piazza Famiglia for an initial term of 25 years with an option to renew for an additional 25 years.

VOTE: 3-0; Cate-yea, Zapf-yea, Ward-yea, Bry-not present.

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

City Attorney Contact: Hilda R. Mendoza

ADOPTION AGENDA

CONSENT, RESOLUTIONS TO BE ADOPTED:

Item 100: Ratification of eight (8) Public Works Emergency Sole Source Contracts.

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

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2018-214)

Resolution ratifying eight (8) emergency repair contracts, pursuant to San Diego Municipal Code Section 22.3108, with Arrieta Construction, Inc., J.R Filanc Construction Company, Inc., Orion Construction Corporation, TC Construction Company, and Hazard Construction Company, in the cumulative amount of \$8,105,427. The emergency contracts were executed to address various infrastructure emergencies precipitated by the 2016-2017 rainy season weather conditions and other emergency situations, and included repairs to a damaged water main, a damaged beach access stairway, and several collapsed and damaged storm drains.

6 votes required pursuant to San Diego Municipal Code Section 22.3108(a)

Committee Actions Taken:

This item was heard at the Infrastructure Committee meeting on November 13, 2017.

ACTION: Motion by Councilmember Ward, second by Councilmember Gómez, to recommend Council ratify the contracts.

VOTE: 3-0; Kersey-yea, Ward-yea, Gómez-yea, Zapf-not present.

Public Works: Kris Shackelford, (619) 533-4121

City Attorney Contact: Davin Widgerow

Item 101: Corporate Partnership Agreement with Sharp HealthCare.

Total Estimated Cost of Proposed Action and Funding Source:

\$75,000 will be unrestricted funding to the General Fund, \$10,000 will support the annual employee flu vaccinations, and \$15,000 will support an annual Parks and Recreation program.

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2018-208)

Resolution authorizing the Mayor, or his designee, to enter into a Corporate Partnership Agreement with Sharp HealthCare, for health and wellness support and services.

Committee Actions Taken:

This item was heard at the Budget and Government Efficiency Committee meeting on November 15, 2017.

ACTION: Motion by Councilmember Gómez, second by Councilmember Cate, to recommend approval to the City Council.

VOTE: 3-0; Sherman-yea, Cate-yea, Gómez-yea, Bry-not present.

Corporate Partnership: Natasha Collura, (619) 533-3822

City Attorney Contact: Catherine Morrison

Item 102: Annual Presentation of the City Treasurer's Investment Policy and Delegation of Authority to the City Treasurer to Invest Funds.

Total Estimated Cost of Proposed Action and Funding Source:

There is no direct impact to the General Fund as a result of the approval of this resolution.

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2018-193)

Resolution delegating authority to the City Treasurer to invest the City's funds.

Committee Actions Taken:

This item was heard at the Budget and Government Efficiency Committee meeting on November 15, 2017.

ACTION: Motion by Councilmember Gómez, second by Councilmember Cate, to recommend approval to the City Council.

VOTE: 3-0; Sherman-yea, Cate-yea, Gómez-yea, Bry-not present.

Office of the City Treasurer: Kent Morris, (619) 533-6253

City Attorney Contact: Jennifer L. Berry

Item 103: Adopting the 2018 Legislative Calendar and FY 2019 Budget Development and FY 2018 Budget Monitoring Key Dates.

Total Estimated Cost of Proposed Action and Funding Source:

None.

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2018-220)

Resolution adopting the 2018 Legislative Calendar and the Fiscal Year 2019 Budget Development and Fiscal Year 2018 Budget Monitoring Key Dates.

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

Committee Actions Taken:

This item was heard at the Budget and Government Efficiency Committee meeting on October 25, 2017.

ACTION: Motion by Councilmember Gómez, second by Councilmember Cate, to recommend Council approval of FY 2019 Budget Development and FY 2018 Budget Monitoring Calendar.

VOTE: 4-0; Bry-yea, Sherman-yea, Cate-yea, Gómez-yea.

Council President's Office: Erin Demorest, (619) 533-3920

City Attorney Contact: Sharon Spivak

Item 104: Deed of Gift with the Thomas O. Rasmussen Living Trust.

Total Estimated Cost of Proposed Action and Funding Source:

Acceptance of this gift does not require expenditures that exceed the Commission's approved annual budget.

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2018-215)

Resolution accepting a donation of \$700,000, plus any residual amounts available within six months of ultimate satisfaction of the gift of trust assets to the beneficiary Gary Allen Thomas, from the Thomas O. Rasmussen Living Trust, for the purpose of art collections management and artwork acquisition consistent with the restrictions specified in the agreement authorized hereby; and for the Mayor, or his designee, to execute such agreement.

Committee Actions Taken: N/A

Commission for Arts and Culture: Dana Springs, (619) 236-6808
City Attorney Contact: Jon D. Dwyer

Item 105: Appointment of the City's Management Team for the Purposes of Meeting and Conferring with the City's Recognized Employee Organizations.

Total Estimated Cost of Proposed Action and Funding Source:

There is no known fiscal impact.

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2018-198)

Resolution designating the City's Management Team for Labor Negotiations with the City's Recognized Employee Organizations, in accordance with California Government Code Sections 3505 and 54957.6(a), and San Diego City Council Policy 300-06.

Committee Actions Taken: N/A

Human Resources: Abby Jarl-Veltz, (619) 236-6314
City Attorney Contact: Joan F. Dawson

PROCLAMATIONS/CEREMONIAL ITEMS (PRESENTED IN CHAMBERS)

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

Item 30: Officer John Liening Day.

PRESENTED BY COUNCILMEMBER BRY:

Proclaiming December 13, 2017, to be “Officer John Liening Day” in the City of San Diego.

Item 31: Drugged Driving Awareness Month.

PRESENTED BY COUNCIL PRESIDENT PRO TEM KERSEY AND
COUNCILMEMBER GÓMEZ:

Proclaiming the month of December 2017, to be “Drugged Driving Awareness Month” in the City of San Diego.

PROCLAMATIONS/CEREMONIAL ITEMS (NOT PRESENTED IN CHAMBERS)

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

Item 32: Wreaths Across America Day.

COUNCILMEMBER CATE'S RECOMMENDATION:

Proclaiming December 13, 2017, to be “Wreaths Across America Day” in the City of San Diego.

SPECIAL ORDERS OF BUSINESS

None.

ITEMS PULLED FROM THE CONSENT AGENDA

NON-AGENDA PUBLIC COMMENT

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

Per Section 22.0101, Rule 2.6.2, of the San Diego Municipal Code, comments are limited to two (2) minutes per speaker. Speakers may not allocate their time to other speakers. If there are eight (8) or more speakers on a single issue, the maximum time allotted for that issue will be sixteen (16) minutes.

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

UPDATES ON PENDING LEGISLATION (MAYOR'S OFFICE)

REQUESTS FOR CONTINUANCE BY COUNCILMEMBERS

ADOPTION AGENDA, DISCUSSION ITEMS

ADOPTION AGENDA

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

Item 330: Authorization for the City of San Diego Tobacco Settlement Revenue Funding Corporation, Tobacco Settlement Bonds, Series 2018.

The following item will be considered in the afternoon session which is scheduled to begin at 1:00 p.m.

Total Estimated Cost of Proposed Action and Funding Source:

Cost of issuance is expected to include fees for bond and disclosure counsel, the municipal advisor, tobacco market research and report, credit ratings, trustee fees and disclosure document printing. Fees will be paid from the bond proceeds.

Council District(s) Affected: Citywide.

Proposed Actions:

Subitem-A:

(O-2018-50)

Introduce an Ordinance authorizing the issuance of bonds in an amount not-to-exceed \$115 million to restructure the outstanding 2006 Bonds and provide funding for eligible capital projects, approving and acknowledging financing documents related thereto, and approving and acknowledging other related documents and actions.

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

Subitem-B:

(R-2018-192)

Resolution authorizing the City Attorney to retain Bond and Disclosure Counsel for the 2018 Bonds, approving and acknowledging the forms of the sales and offering documents for the 2018 Bonds, acknowledging the execution and delivery of the final offering document by the Corporation, and authorizing and approving certain other related documents and actions in connection with the issuance by the Corporation of the 2018 Bonds.

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

Committee Actions Taken:

This item was heard at the Budget and Government Efficiency Committee meeting on November 15, 2017.

ACTION: Motion by Councilmember Cate, second by Councilmember Gómez, to forward the item to Council with no recommendation.

VOTE: 3-0; Sherman-yea, Cate-yea, Gómez-yea, Bry-not present.

Debt Management: Lakshmi Kommi, (619) 236-6928

City Attorney Contact: Bret A. Bartolotta

ADOPTION AGENDA

DISCUSSION, RESOLUTIONS TO BE ADOPTED:

Item 331: Authorization for an appropriations increase in the Capital Improvement Budget of the City up to \$25 million to provide for expenditure of tax-exempt proceeds of the Tobacco Settlement Bonds, Series 2018.

The following item will be considered in the afternoon session which is scheduled to begin at 1:00 p.m.

Total Estimated Cost of Proposed Action and Funding Source:

There are no cost associated with this proposed action.

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2018-231)

Resolution authorizing an appropriations increase in the Capital Improvement Budget of the City up to \$25 million to provide for expenditure of tax-exempt proceeds of the Tobacco Settlement Bonds, Series 2018.

Committee Actions Taken:

This item was heard at the Budget and Government Efficiency Committee meeting on November 15, 2017.

ACTION: Motion by Councilmember Cate, second by Councilmember Gómez, to forward the item to Council without a recommendation.

VOTE: 3-0; Sherman-yea, Cate-yea, Gómez-yea, Bry-not present.

Debt Management: Lakshmi Kommi, (619) 236-6928

City Attorney Contact: Bret A. Bartolotta

Item 332: Purchase of Sikorsky S70i Fire/Rescue Helicopter & Aircraft Outfitting.

The following item will be considered in the afternoon session which is scheduled to begin at 1:00 p.m.

Total Estimated Cost of Proposed Action and Funding Source:

Expend an amount not-to-exceed \$9.8 million to be advanced from the General Fund in Fiscal Year 2018 for the initial payments necessary to acquire and complete one (1) Sikorsky S-70i Fire-Rescue helicopter. Upon approval by City Council, the City Equipment Vehicle Financing Program (EVFP) will reimburse the General Fund for the advanced payment and finance the remaining costs not-to-exceed \$10.2 million over a 10-year term, for a total EVFP financing of \$20 million.

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2018-196)

Resolution authorizing the Mayor to enter into an Agreement with the Sikorsky Aircraft Corporation for the purchase and outfitting of a S-70i helicopter for up to \$20,000,000, with \$9,800,000 of that amount paid for from the City's General fund and reimbursed through the City Equipment Vehicle Financing Program and the remaining amount of up to \$10,200,000, financed through the City Equipment Vehicle Financing Program.

(R-2018-230)

Resolution authorizing the City Council to declare its official intent to reimburse itself from the proceeds of tax-exempt lease-purchase obligations and to establish compliance with Section 1.150-2 of the Treasury Regulations.

Committee Actions Taken:

This item was heard at the Budget and Government Efficiency Committee meeting on November 15, 2017.

ACTION: Motion by Councilmember Cate, second by Councilmember Gómez, to recommend approval to the City Council.

VOTE: 3-0; Sherman-yea, Cate-yea, Gómez-yea, Bry-not present.

Fire-Rescue: Brian Fennessy, Fire Chief, (619) 533-4301
City Attorney Contact: Noah Brazier

Item 333: Approval of the First Amendment to the CALNET3 Cooperative Procurement Contract between the City of San Diego and AT&T Corporation for the Provision of Multi-protocol Label Switching (MPLS) Assets and Services.

The following item will be considered in the afternoon session which is scheduled to begin at 1:00 p.m.

Total Estimated Cost of Proposed Action and Funding Source:

Increases the not-to-exceed amount of the initial term of the Agreement by \$3,541,000 from \$2,880,000 to \$6,421,000, and increases the not-to-exceed amount for the full term of the Agreement, including any options to renew to \$16,429,000. Please see the Fiscal Considerations section, and attached City Comptroller's Certificate for further information.

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2018-86 Rev.)

Resolution authorizing the Mayor, or his designee, to execute the First Amendment to the CALNET3 Cooperative Procurement Contract between the City of San Diego and AT&T Corporation for the Provision of Multi-protocol Label Switching (MPLS) Assets and Services, to increase the not-to-exceed amount of the Contract to \$6,421,000 and, contingent on the City exercising its option terms as allowed under the Contract, further authorizing the Mayor, or his designee, to negotiate and execute a second amendment to the Contract for the limited purpose of increasing the not-to-exceed amount by an additional \$10,008,000, for a total not-to-exceed amount of \$16,429,000.

Committee Actions Taken: N/A

Department of Information Technology: Shawn Killpack, (619) 533-3059
City Attorney Contact: Steven Lastomirsky

Item S500: Amend the Park and Recreation Department Fee Schedule and Appropriate Recreation Council Revenues and Fees. (Added 12/7/17)

The following item will be considered in the afternoon session which is scheduled to begin at 1:00 p.m. (Rev. 12/8/17)

Total Estimated Cost of Proposed Action and Funding Source:

There are no costs to this action. This action will create special revenue funds.

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2018-241)

Resolution amending the Park and Recreation Department Fee Schedule, authorizing the appropriation, and expenditure of revenue collected by the recreation councils, and related actions.

Committee Actions Taken:

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

ACTION: Motion by Councilmember Ward, second by Councilmember Bry, to forward item to full Council with no recommendation.

VOTE: 2-2; Bry-yea, Ward-yea, Cate-nay, Zapf-nay.

Park & Recreation: Herman Parker, (619) 236-6443

City Attorney Contact: Heather Ferbert

Item S501: Appointment of Mayor Kevin Faulconer and Councilmembers to Outside Organizations for Calendar Year 2018. (Added 12/8/17)

The following item will be considered in the afternoon session which is scheduled to begin at 1:00 p.m. (Rev. 12/8/17)

Total Estimated Cost of Proposed Action and Funding Source: None.

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2018-221)

Resolution confirming appointments of the Mayor and members of the City Council as representatives, alternates, and liaisons to outside boards, commissions, committees, and governmental agencies, to serve through December 2018, and until a successor is duly appointed and confirmed;

Appointments are made in relation to the following entities: City-County Reinvestment Task Force, Civic San Diego (liaison), Local Agency Formation Commission, Los Peñasquitos Canyon Preserve, Mission Trails Regional Task Force, Otay Valley Regional Park Policy Committee, SANDAG Board of Directors, SANDAG Bayshore Bikeway Working Group, SANDAG Borders Committee, SANDAG Executive Committee, SANDAG Public Safety Committee, SANDAG Regional Planning Committee, SANDAG Shoreline Preservation Working Group, SANDAG Transportation Committee, San Diego Consortium Policy Board, San Diego Metropolitan Transit System, San Diego River Conservancy, San Dieguito River Valley Regional Open Space JPA, and the Otay Mesa Enhanced Infrastructure Financing District Public Financing Authority.

Committee Actions Taken: N/A

Council President's Office: Jimmie Slack, (619) 236-6644
City Attorney Contact: Sharon Spivak

Item S502:

Selection of Council President Pro Tem and City Council Committee Assignments. (Added 12/8/17)

The following item will be considered in the afternoon session which is scheduled to begin at 1:00 p.m. (Rev. 12/8/17)

Total Estimated Cost of Proposed Action and Funding Source: None.

Council District(s) Affected: Citywide.

Proposed Actions:

Subitem A:

(R-2018-223)

Resolution confirming the selection of Councilmember Barbara Bry to serve as Council President Pro Tem for a one-year term commencing on December 13, 2017, and until a successor is selected and qualified.

This subitem is not subject to the Mayor's veto.

Subitem B:

(R-2018-222)

Resolution confirming the appointment of Councilmembers to serve as chairs, vice chairs and committee members of standing Council Committees for a one-year term, and until successors are selected and qualified, and confirming the appointment of four Councilmembers to serve on the

temporary Select Committee on Homelessness for a term ending June 30, 2018.

This subitem is not subject to the Mayor's veto.

Subitem C:

(R-2018-240)

Resolution confirming the appointment of Councilmember Lorie Zapf as member and chair of the Audit Committee, and of Councilmember Scott Sherman as member and vice chair of the Audit Committee, both for calendar year 2018, and until a successor is duly appointed and confirmed.

This subitem is not subject to the Mayor's veto.

Committee Actions Taken: N/A

*Council President's Office: Jimmie Slack, (619) 236-6644
City Attorney Contact: Sharon Spivak*

NON-AGENDA ITEMS

REPORT OUT FROM CLOSED SESSION

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT