

CITY OF SAN DIEGO COUNCIL DOCKET



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Todd Gloria • Third District

Myrtle Cole • Fourth District

Mark Kersey • Fifth District

Chris Cate • Sixth District

Scott Sherman • Seventh District

David Alvarez • Eighth District

**Andrea Tevlin
Independent
Budget Analyst**

**Jan Goldsmith
City Attorney**

**Liz Maland
City Clerk**

Council Chambers, 12th Floor, City Administration Building

Monday, March 2, 2015

**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
MONDAY, MARCH 2, 2015, AT 2:00 PM
CITY ADMINISTRATION BUILDING
COUNCIL CHAMBERS – 12TH FLOOR
202 “C” STREET
SAN DIEGO, CA 92101**

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

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

OTHER LEGISLATIVE MEETINGS

A Special **PUBLIC FACILITIES FINANCING AUTHORITY** is scheduled to meet today in the Council Chambers. A separate agenda is published for it, and is available in the Office of the City Clerk. For more information please contact Brant Will at (619) 236-6220. Internet access to the agenda is available at:

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

ROLL CALL

INVOCATION

PLEDGE OF ALLEGIANCE

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

UPDATES ON PENDING LEGISLATION (MAYOR'S OFFICE)

REQUESTS FOR CONTINUANCE

The Council will consider requests for continuance based on when the item was noticed to be heard.

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

ITEM-150: Public Facilities Financing Authority of City of San Diego Lease Revenue Refunding Bonds, Series 2015 (Ballpark Refunding).

ITEM DESCRIPTION:

Authorize the issuance of the Public Facilities Financing Authority of the City of San Diego Lease Revenue Refunding Bonds, Series 2015 (the “Series 2015 Bonds”), and the execution of related financing documents to refund the outstanding Lease Revenue Refunding Bonds, Series 2007A. Also, authorize the City Attorney to retain Nixon Peabody LLP, as the Bond and Disclosure Counsel, and the Chief Financial Officer to establish special interest bearing account(s) for the proceeds of the Series 2015 Bonds.

STAFF'S RECOMMENDATION:

Introduce the following ordinance:

(O-2015-76 Cor. Copy) (Rev. 2/27/15)

Introduction of an Ordinance approving the Forms of and authorizing the execution and delivery of an Amended and Restated Site Lease, an Amended and Restated Ballpark Facility Lease, and a Bond Purchase Agreement;

Authorizing the execution, delivery and performance of a Third Reaffirmation of Assignment Agreement, an Indenture and an Escrow Agreement by the Public Facilities Financing Authority of the City of San Diego;

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

Approving and Authorizing the issuance and sale of the Authority's Lease Revenue Refunding Bonds, Series 2015 (Ballpark Refunding);

Approving other documents and actions in connection therewith.

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

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The pricing and closing of the Series 2015 Bonds would be subject to market conditions and the fulfillment of the City's net present value savings thresholds for economic refunding. Pursuant to the City's Debt Policy, the City will consider conducting an advance refunding if net present value savings of at least 4% can be achieved. As discussed in the full Report to City Council, the proposed refunding is expected to exceed this threshold. Annual debt service savings produced by the refunding would benefit the General Fund beginning in Fiscal Year 2016. The Bond and Disclosure Counsel shall be paid out of bond proceeds, contingent upon the closing of the bonds, and there will be no General Fund impact as a result of obtaining Counsel.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

On January 28, 2015, Debt Management presented three proposed economic refunding items to the Budget and Government Efficiency Committee, of which one was the Series 2015 Bonds.

The Budget and Government Efficiency Committee forwarded the Series 2015 Bonds to the City Council for approval.

ACTION: Motion by Councilmember Sherman, second by Councilmember Cole, to forward staff recommendation to City Council.

VOTE: 4-0-1; Gloria-yea, Cole-yea, Sherman-yea, Alvarez-yea. Kersey-recused.

Kommi/Lewis

Primary Contact\Phone: Lakshmi Kommi\619-236-6928
Secondary Contact\Phone: Elizabeth Kelly\619-236-6932
City Attorney Contact: Will, Brant C.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

ITEM-200: City Auditor's Performance Audit of the Utilities Undergrounding Program.
(Citywide.)

CITY AUDITOR'S RECOMMENDATION:

Receive the City Auditor's Performance Audit of the Utilities Undergrounding Program.

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS: N/A

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

The report was presented at the Audit Committee meeting on January 21, 2015.

ACTION: Motion by Committee Member Hebrank, second by Committee Member Schreiner, to accept the report and forward it to full City Council.

VOTE: 5-0; Sherman-yea, Zapf-yea, Schreiner-yea, Valdivia-yea, Hebrank-yea.

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

NON-AGENDA PUBLIC COMMENT

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

Per Section 22.0101, Rule 2.6.2, of the San Diego Municipal Code, comments are limited to two minutes per speaker. Speakers may not allocate their time to other speakers. If there are eight (8) or more speakers on a single issue, the maximum time allotted for that issue will be sixteen (16) minutes. Non-Agenda Comment is taken toward the end of the Monday afternoon Council session.

CLOSED SESSION NOTICES, DISCLOSURE, AND PUBLIC COMMENT

In accordance with the San Diego City Council Permanent Rule for Noticing and Conduct of Closed Session Meeting, adopted on February 28, 2005, this portion of the agenda is reserved for City Attorney comment, public comment, and City Council discussion of the content of the Closed Session Agenda. Public testimony on Closed Session items is taken in Open Session on Mondays, except when there is no Monday meeting. Public testimony on Closed Session items is always taken prior to the actual Closed Session. Closed Session may take place any time after public testimony, but is typically held on Tuesdays at 9:00 a.m. The Closed Session Agenda is separately available in the Office of the City Clerk and also posted at the same locations as the Open Session Agenda, including the City internet address.

NOTE: Members of the public wishing to address the City Council on any item on the Closed Session Agenda should reference the Closed Session item number from the Closed Session Docket on the speaker slip. Speakers may speak "in favor" or "in opposition" to the subject.

Information Item - No Action Required - The City Council shall:

1) Consider any oral report from the City Attorney or City negotiators; 2) Accept testimony from any member of the public wishing to address the City Council on any item appearing on the Closed Session Agenda; 3) Allow for questions and discussion by Council Members, limited to the facts as disclosed by the City Attorney or City negotiators and the basis or justification for consideration of the matter in Closed Session; 4) Refer matters discussed to Closed Session.

PUBLIC NOTICES:

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-250: **Notice** of Pending Final Map Approval - Quarry Falls, (Civita) Unit G.

Notice is hereby given that the City Engineer has reviewed and will approve on the date of this City Council meeting that certain final map entitled "QUARRY Falls (CIVITA) Unit "G" (V.T.M. No.183196, PTS No. 383465) in the O-19807 zone, within the Mission Valley Council District 7, a copy of which is available for public viewing at the office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 PM, 10 calendar days from the date of this City Council meeting stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the map approval findings or need additional information about the map or your appeal rights, please feel free to contact Fredderick R. LePage (619) 446-5434.

ITEM-251: **Notice** of Pending Final Map Approval - 4073 Kendall Street.

Notice is hereby given that the City Engineer has reviewed and will approve on the date of this City Council meeting that certain final map entitled "4073 Kendall Street" (T.M. No. 504802, PTS No. 349713) located on Kendall Street south of Pacific Beach Drive, in the RM-1-1 zone, within the Del Mar Community Plan, Council District 1, a copy of which is available for public viewing at the office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 PM, 10 calendar days from the date of this City Council meeting stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the map approval findings or need additional information about the map or your appeal rights, please feel free to contact Gregory P. Hopkins (619) 446-5291.

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT