

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, April 27, 2015

**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
MONDAY, APRIL 27, 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. Please keep this in mind and provide as much advance notice as possible in order to ensure availability. Assistive Listening Devices (ALDs) are available in Council Chambers upon request.

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

ROLL CALL

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, COMMITTEE ITEMS

COMMITTEE ON BUDGET AND GOVERNMENT EFFICIENCY, RESOLUTIONS:

ITEM-150: Community Facilities District No. 2 (Santaluz) Improvement Area No. 3 Special Tax Refunding Bonds, Series 2015 and Community Facilities District No. 2 (Santaluz) Improvement Area No. 4 Special Tax Refunding Bonds, Series 2015. (Black Mountain Ranch and Torrey Highlands Communities Areas. District 5.)

ITEM DESCRIPTION:

Authorize the issuance of the Community Facilities District No. 2 (Santaluz) Improvement Area No. 3 Special Tax Refunding Bonds, Series 2015 and the Community Facilities District No. 2 (Santaluz) Improvement Area No. 4 Special Tax Refunding Bonds, Series 2015 and the related financing documents to economically refund the outstanding Improvement Area No. 3 and Improvement Area No. 4 bond transactions.

TODAY'S ACTIONS ARE:

Adopt the following resolutions:

Subitem-A: (R-2015-548)

Acting as the Legislative Body of Community Facilities District No. 2 (Santaluz) authorizing the issuance of its Improvement Area No. 3 Special Tax Refunding Bonds Series 2015 in a principal amount not to exceed \$3,600,000 and authorizing the retention of Norton Rose Fulbright US LLP as Bond and Disclosure Council in connection therewith; and approving the Form of and the execution and delivery of the Bond Purchase Agreement, the Indenture, the Continuing Disclosure Certificate and a Preliminary Official Statement and taking certain other actions in connection therewith.

Subitem-B: (R-2015-549)

Acting as the Legislative Body of Community Facilities District No. 2 (Santaluz) authorizing the issuance of its Improvement Area No. 4 Special Tax Refunding Bonds Series 2015 in a principal amount not to exceed \$7,000,000 and authorizing the retention of Norton Rose Fulbright US LLP as Bond and Disclosure Counsel in connection therewith; and approving the Form of and the execution and delivery of the Bond Purchase Agreement, the Indenture, the Continuing Disclosure Certificate and a Preliminary Official Statement and taking certain other actions in connection therewith.

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The pricing and closing of the two refundings will be subject to market conditions and the fulfillment of the City's net present value savings threshold for refundings. The proposed economic refundings are being issued to decrease the amount of Special Taxes levied on Special Taxpayers within CFD No. 2 IA 3 and IA 4 annually to pay debt service. A discussion of the projected interest rate and savings levels for each of the refundings is included in the full staff report for the item.

The Bond and Disclosure Counsel services 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.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

On January 28, 2015, Debt Management presented four proposed economic refunding items to the Budget and Government Efficiency Committee, of which two were the CFD 2 IA 3 Refunding Bonds and CFD 2 IA 4 Refunding Bonds. The Budget and Government Efficiency Committee forwarded the CFD 2 IA 3 Refunding Bonds and CFD 2 IA 4 Refunding Bonds to the City Council for approval.

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

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

Kommi/Lewis

Primary Contact\Phone: Elizabeth Kelly\619-236-6932, MS 7B
Secondary Contact\Phone: Chuck Wilcox\619-533-4519, MS 7B
City Attorney Contact: Bartolotta, Bret A.

ITEM-151: Proposed Concession Agreement Between the City of San Diego and Delaware North Sportservice, Inc., and San Diego Sportservice, Inc., for the Provision of Food and Beverage Services at Qualcomm Stadium. (District 7.)

ITEM DESCRIPTION:

This action is to approve the proposed Concession Agreement for the Provision of Food and Beverage Services at Qualcomm Stadium for a period of five (5) years.

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2015-580)

Authorizing the Mayor, or his designee, to execute, and take all actions necessary to administer, that certain Concession Agreement by and between the City of San Diego, San Diego Sportservice, Inc., and Delaware North Companies Sportservice, Inc., under the terms and conditions set forth in the Concession Agreement.

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

If the proposed Concession Agreement is approved, an investment of \$6,000,000 will be spent by Delaware North Sportservice, Inc. (Sportservice) to improve the food and beverage services at Qualcomm Stadium. The \$6,000,000 is depreciated/amortized over the life of the contract (5 years). If the contract is terminated prior to the 5 years or the Chargers leave, the City must pay back the unamortized portion of \$6,000,000 as the City is benefiting from the Capital Investment.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

This item was heard at the Budget and Government Efficiency Committee meeting on April 15, 2015.

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

VOTE: 3-2; Cole-yea, Kersey-yea, Sherman-yea, Gloria-nay, Alvarez-nay.

Custer

Primary Contact\Phone: Kristina Peralta\619-641-3107, MS 34
Secondary Contact\Phone: Mike McSweeny\619-641-3126, MS 34
City Attorney Contact: Bevier, Debra J.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

ITEM-200: Consideration of study prepared by San Diego City Employees' Retirement System actuary regarding the implementation of hourly sick leave in compliance with Assembly Bill 1522, as required by San Diego Charter Section 70.2. (Information Only.) (Citywide.)

COUNCILMEMBER GLORIA'S RECOMMENDATION:

Informational item only.

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The San Diego City Employees' Retirement System (SDCERS) actuarial study discloses the impact on the City's defined benefit pension plan of providing hourly sick leave to the City's hourly, non-benefitted employees. The study stated that the implementation of Assembly Bill 1522 is not expected to have an actuarial impact on the defined benefit pension plan. The Department of Financial Management has estimated that providing up to 24 hours of paid sick leave each fiscal year to hourly City employees will cost approximately \$471,284.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

Closed Session Docket December 9, 2014: Conference with Labor Negotiators pursuant to California Government Code Section 54957.6.

Closed Session Docket February 9, 2014: Conference with Labor Negotiators pursuant to California Government Code Section 54957.6.

Fox

Primary Contact\Phone: Jessica Lawrence\619-236-7787

Secondary Contact\Phone: Jamie Fox\619-236-6165

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

ITEM-201: Consideration of an Ordinance amending Chapter 2, Article 3, Division 11, of the San Diego Municipal Code by adding Section 23.1112, related to amending Civil Service Rule X to add Hourly Sick Leave (Assembly Bill 1522). (Citywide.)

ITEM DESCRIPTION:

Approve an Ordinance amending Chapter 2, Article 3, Division 11, of the San Diego Municipal Code by adding Section 23.1112, related to amending Civil Service Rule X to add Hourly Sick Leave (Assembly Bill 1522).

COUNCILMEMBER GLORIA'S RECOMMENDATION:

Introduce the following ordinance:

(O-2015-94)

Introduction of an Ordinance amending Chapter 2, Article 3, Division 11, of the San Diego Municipal Code by adding Section 23.1112, related to amending Civil Service Rule X to add Hourly Sick Leave (Assembly Bill 1522).

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The actuary for San Diego City Employees' Retirement System (SDCERS) analyzed the proposed implementation of paid sick leave for non-benefitted City employees, and stated that it is not expected to have an actuarial impact on the City's defined benefit pension plan.

The Department of Financial Management has estimated that implementation of up to 24 hours of paid sick leave to hourly, non-benefitted City employees will have a financial impact of approximately \$471,284 a fiscal year.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

April 2, 2015: Civil Service Commission Review of Proposed Amendment to Civil Service Rule X related to implementation of Assembly Bill 1522.

Fox

Primary Contact\Phone: Jessica Lawrence\619-236-7787

Secondary Contact\Phone: Jamie Fox\619-236-6165

City Attorney Contact: Dawson, Joan F.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

RESOLUTIONS:

ITEM-202: Resolutions of the San Diego City Council approving Amendments to the Memoranda of Understanding (MOU) between the City and AFSCME Local 127, Teamsters Local 911, Deputy City Attorneys Association (DCAA), Local 145, San Diego Municipal Employees' Association (MEA) and San Diego Police Officers Association (POA) regarding terms and conditions of employment for Fiscal Years 2014 through 2018 (and will be incorporated into POA's Successor 2016-2020 MOU).

ITEM DESCRIPTION:

This item contains six (6) sub-items for City Council approval of Amendments to the Memoranda of Understanding between the City and AFSCME Local 127, Deputy City Attorneys Association (DCAA), San Diego Municipal Employees' Association (MEA), San Diego Police Officers Association (POA), Local 145 and Teamsters Local 911 regarding the terms and conditions of employment related to the new Catastrophic Leave Plan and Medical Leave-Sharing Plan Programs for Fiscal Years 2014 through 2018 (and will be incorporated into POA's Successor 2016-2020 MOU).

STAFF'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2015-542)

Approving and ratifying the Agreement between the City and Local 127 to amend the Memorandum of Understanding (MOU) by modifying Article 28, related to the Leave-Sharing Plans, pursuant to the authority of the Meyers-Milias-Brown Act (MMBA) and Council Policy 300-06.

Subitem-B: (R-2015-544)

Approving and ratifying the Agreement between the City and Teamsters Local 911 to amend the Memorandum of Understanding (MOU) by modifying Article 68, related to the Leave-Sharing Plans, pursuant to the authority of the Meyers-Milias-Brown Act (MMBA) and Council Policy 300-06.

Subitem-C: (R-2015-541)

Approving and ratifying the Agreement between the City and Deputy City Attorneys Association (DCAA) to amend the Memorandum of Understanding (MOU) by adding Article 38, related to the Leave-Sharing Plans, pursuant to the authority of the Meyers-Milias-Brown Act (MMBA) and Council Policy 300-06.

Subitem-D: (R-2015-543)

Approving and ratifying the Agreement between the City and Local 145 to amend the Memorandum of Understanding (MOU) by modifying Article 58, related to the Leave-Sharing Plans, pursuant to the authority of the Meyers-Milias-Brown Act (MMBA) and Council Policy 300-06.

Subitem-E: (R-2015-545)

Approving and ratifying the Agreement between the City and San Diego Municipal Employees' Association (MEA) to amend the Memorandum of Understanding (MOU) by modifying Article 74, related to the Leave-Sharing Plans, pursuant to the authority of the Meyers-Milias-Brown Act (MMBA) and Council Policy 300-06.

Subitem-F: (R-2015-546)

Approving and ratifying the Agreement between the City and the San Diego Police Officers Association (POA) to amend the Memorandum of Understanding (MOU) by modifying Article 58, related to the Leave-Sharing Plans, pursuant to the authority of the Meyers-Milias-Brown Act (MMBA) and Council Policy 300-06.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

There is no known fiscal impact as a result of the implementation of the Leave-Sharing Plans.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: N/A

von Kalinowski/Villa

Primary Contact\Phone: Abby Jarl-Veltz\619-236-6314

Secondary Contact\Phone: Judy von Kalinowski\619-533-6413

City Attorney Contact: Story Parks, Roxanne

ITEM-203: Consideration of Resolutions of the Council approving and ratifying Amendments to the Memoranda of Understanding (MOU) between the City and its recognized Employee Organizations regarding terms and conditions of employment for FY 14-FY 18. (Citywide.)

ITEM DESCRIPTION:

Approve resolutions of the Council of the City of San Diego approving and ratifying Amendments to the Memoranda of Understanding (MOU) between the City and its recognized Employee Organizations regarding terms and conditions of employment for Fiscal Years 2014 through 2018.

COUNCILMEMBER GLORIA'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2015-536)

Approving and ratifying the Agreement between the City and Local 127 to amend the Memorandum of Understanding (MOU) by adding Article 76, related to the Hourly Sick Leave (A.B. 1522) benefit, pursuant to the authority of the Meyers-Milias-Brown Act (MMBA) and Council Policy 300-06.

NOTE: 6 votes required pursuant to Section 11.2 of the City Charter.

Subitem-B: (R-2015-535)

Approving and ratifying the Agreement between the City and Deputy City Attorneys Association (DCAA) to amend the Memorandum of Understanding (MOU) by adding Article 37, related to the Hourly Sick Leave (A.B. 1522) benefit, pursuant to the authority of the Meyers-Milias-Brown Act (MMBA) and Council Policy 300-06.

NOTE: 6 votes required pursuant to Section 11.2 of the City Charter.

Subitem-C: (R-2015-539)

Approving and ratifying the Agreement between the City and San Diego Municipal Employees' Association (MEA) to amend the Memorandum of Understanding (MOU) by adding Article 88, related to the Hourly Sick Leave (A.B. 1522) benefit, pursuant to the authority of the Meyers-Milias-Brown Act (MMBA) and Council Policy 300-06.

NOTE: 6 votes required pursuant to Section 11.2 of the City Charter.

Subitem-D: (R-2015-540)

Approving and ratifying the Agreement between the City and the San Diego Police Officers Association (POA) to amend the Memorandum of Understanding (MOU) by adding Article 75, related to the Hourly Sick Leave (A.B. 1522) benefit, pursuant to the authority of the Meyers-Milias-Brown Act (MMBA) and Council Policy 300-06.

NOTE: 6 votes required pursuant to Section 11.2 of the City Charter.

Subitem-E: (R-2015-537)

Approving and ratifying the Agreement between the City and Local 145 to amend the Memorandum of Understanding (MOU) by adding Article 68, related to the Hourly Sick Leave (A.B. 1522) benefit, pursuant to the authority of the Meyers-Milias-Brown Act (MMBA) and Council Policy 300-06.

NOTE: 6 votes required pursuant to Section 11.2 of the City Charter.

Subitem-F: (R-2015-538)

Approving and ratifying the Agreement between the City and Local 911 to amend the Memorandum of Understanding (MOU) by adding Article 83, related to the Hourly Sick Leave (A.B. 1522) benefit, pursuant to the authority of the Meyers-Milias-Brown Act (MMBA) and Council Policy 300-06.

NOTE: 6 votes required pursuant to Section 11.2 of the City Charter.

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The actuary for San Diego City Employees' Retirement System (SDCERS) analyzed the proposed implementation of paid sick leave for non-benefitted City employees, and stated that it is not expected to have an actuarial impact on the City's defined benefit pension plan. The Department of Financial Management has estimated that implementation of up to 24 hours of paid sick leave to hourly, non-benefitted City employees will have a financial impact of approximately \$471,284 a fiscal year.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

San Diego Resolution R-308477 (October 15, 2013) - Memorandum of Understanding with Deputy City Attorneys Association.

San Diego Resolution R-308478 (October 15, 2013) - Memorandum of Understanding with the San Diego City Firefighters, International Association of Fire Fighters Local 145.

San Diego Resolution R-308479 (October 15, 2013) - Memorandum of Understanding with California Teamsters, Local 911.

San Diego Resolution R-308480 (October 15, 2013) - Memorandum of Understanding with Local 127, American Federation of State, County and Municipal Employees, AFL-CIO.

San Diego Resolution R-308481 (October 15, 2013) - Memorandum of Understanding with San Diego Municipal Employees' Association.

San Diego Resolution R-308476 (October 15, 2013) - Memorandum of Understanding with San Diego Police Officers Association

San Diego Resolution R-309578 (March 27, 2015) - Tentative Agreement on Successor Memorandum of Understanding with San Diego Police Officers Association (with City Council consideration of Memorandum of Understanding on April 13, 2015).

Fox

Primary Contact\Phone: Jessica Lawrence\619-236-7787

Secondary Contact\Phone: Jamie Fox\619-236-6165

City Attorney Contact: Dawson, Joan F.

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.

NON-DOCKET ITEMS**ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES****ADJOURNMENT**