

CITY OF SAN DIEGO COUNCIL DOCKET



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COUNCIL PRESIDENT PRO TEM

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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, June 1, 2015

**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
MONDAY, JUNE 1, 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, ORDINANCES TO BE INTRODUCED WITH RESOLUTIONS TO BE ADOPTED:

ITEM-150: Public Facilities Financing Authority of City of San Diego Senior Sewer Revenue Refunding Bonds. (Citywide.)

ITEM DESCRIPTION:

Authorize the issuance of the Public Facilities Financing Authority of the City of San Diego (the “Authority”) Senior Sewer Revenue Refunding Bonds and the execution of related financing documents to refund the outstanding Public Facilities Financing Authority Sewer Revenue Bonds, Series 2009A and Sewer Revenue Refunding Bonds, Series 2009B (the “2009A&B Bonds”), and Sewer Revenue Refunding Bonds, Series 2010A (the “Series 2010A Bonds”). Also, authorize the City Attorney to retain Kutak Rock 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; and adopt the following resolution:

Subitem-A: (O-2015-121)

Introduction of an Ordinance of the Council of the City of San Diego pursuant to San Diego Charter Section 99 (i) approving the forms and authorizing the execution and delivery of one or more (a) Supplemental Indentures, (b) Supplements to Master Installment Purchase Agreement, (c) Escrow Agreements, and (d) Continuing Disclosure Certificates; (ii) approving and authorizing the issuance and sale by the Public Facilities Financing Authority of the City of San Diego of one or more series of its Senior Sewer Revenue Refunding Bonds in an aggregate principal amount not to exceed \$848,080,000 to refund all or a portion of the outstanding Public Facilities Financing Authority of the City of San Diego Senior Sewer Revenue Bonds and/or all or a portion of the loans provided to the City by the California State Water Resources Control Board to achieve savings; and (iii) approving certain other Agreements and Actions in connection therewith.

Subitem-B: (R-2015-685)

Authorizing the execution, delivery and distribution of a Bond Purchase Agreement; authorizing the City Attorney to appoint Bond Counsel and Disclosure Counsel; and approving certain actions, all in connection with the issuance and sale by the Public Facilities Financing Authority of the City of San Diego of its Senior Sewer Revenue Refunding Bonds Series 2015.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

Based on current market conditions approximately \$344.7 million in outstanding 2009A, 2009B, and 2010A Bonds are expected to be refunded with the issuance of the 2015 Bonds. This is expected to result in annual savings of approximately \$1.3 million in Fiscal Years 2016-2020 and annual savings of approximately \$3.4 million in Fiscal Years 2021-2026. The pricing and closing of the 2015 Bonds would be subject to market conditions; 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. The proposed refunding is expected to exceed this threshold.

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 Council.

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

Kommi/Lewis

Primary Contact\Phone: Jyothi Pantulu\619-236-6917

Secondary Contact\Phone Lakshmi Kommi\619-236-6928

City Attorney Contact: Bartolotta, Bret A.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

ITEM-200: Informational report to present the status of the City's GASB 45, Other Post-Employment Benefits (OPEB), liability in accordance with the City's 15-year single subject Memorandum of Understanding with its six Recognized Employee Organizations.

ITEM DESCRIPTION:

On May 13, 2011, the City Council approved a Tentative Agreement between the City of San Diego and San Diego Municipal Employee Association (SDMEA), American Federation of State, County, and Municipal Employees Local 127 (AFSCME Local 127), International Brotherhood of Teamsters Local 911 (Teamsters Local 911), International Association of Fire Fighters Local 145 (IAFF Local 145), Deputy City Attorneys Association (DCAA), and the San Diego Police Officers Association (POA) on June 28, 2011, regarding modifications to the post-employment health benefit for certain employees. These Agreements require the City to have an actuary present the results of the FY 2014 Governmental Accounting Standards Board Statement No. 45 (GASB 45) actuarial valuation at a public meeting of the City Council, which is the purpose of this item.

STAFF'S RECOMMENDATION:

This is an informational item, no action is required.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

This is an informational report only.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

Presentation to the City Council on May 13, 2011, of terms of Tentative Agreement. Presentation to City Council on September 7, 2010, of "Study by the Joint Committee on Retiree Health".

Bych/Lewis

Primary Contact\Phone: Greg Bych\619-236-6651, MS 51B

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS
ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING
WITH THE READING AND ADOPTION:

ITEM-201: Operating and Management Agreement between the City Of San Diego and Downtown San Diego Partnership for the Renewed Downtown Property and Business Improvement District (PBID). (Centre City and Downtown Community Areas. District 3.)

ITEM DESCRIPTION:

The term of the existing Operating and Management Agreement with the Downtown San Diego Partnership is concurrent with the existing Downtown Property and Business Improvement District (PBID) which is set to end June 30, 2015. The Downtown San Diego Partnership in conjunction with property owners has developed a proposal to renew the PBID for ten (10) years. The City Council is considering the renewal and caused a mailed ballot procedure to be conducted. If there is no majority protest from the ballot tabulation then Council may renew the District at which time Council may introduce an ordinance to authorize a new 10-year Operating and Management Agreement with the Downtown San Diego Partnership.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 5/12/2015, Item 331. (Council voted 9-0):

(O-2015-105)

Authorizing and directing the Mayor, or designee, to execute the Agreement on the City's behalf and to take any and all actions necessary to implement the Agreement;

Authorizing the Chief Financial Officer to appropriate and expend Downtown Property Business Improvement District (PBID) Operating Funds, as required per the terms of the Agreement, contingent upon approval by the Council of the PBID Annual Budget, which is subject to the approval of the City's Annual Appropriation Ordinance, and further contingent upon the City Comptroller certifying that the funds necessary for expenditure are available;

Authorizing the Mayor, or designee, to preclude the expenditure of all or any portion of District assessments during the pendency of any litigation that has been timely initiated to challenge the renewal of the District.

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

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

RESOLUTIONS:

ITEM-202: Emergency Medical Services (EMS) Agreement - Third Amendment for Five (5) Year Extension with Rural/Metro Ambulance. (Citywide.)

ITEM DESCRIPTION:

This action is to authorize a Five (5) year extension of the Emergency Medical Services (EMS) Agreement with Rural/Metro Ambulance to provide emergency medical and medical transportation services in the City of San Diego.

STAFF'S RECOMMENDATION:

(R-2015-699)

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City, an Amendment to the current Emergency Medical Services (EMS) Agreement with Rural/Metro Corporation, under the terms and conditions set forth in the Amendment entitled "Third Amendment to 2011 Emergency Medical Services Agreement."

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

As part of this extension, the City will continue to receive an annual Emergency Medical Services (EMS) Operational Fee from Rural/Metro to partially offset the costs of providing Fire paramedic-level first response. The FY 2016 EMS Operating Fee revenue is \$10,339,504 and will be received in Fund 200227, Fire/EMS Transport Fund. This reflects a FY 2016 CPI increase as well as a reimbursement credit to Rural/Metro for costs associated with replacing City Single-Role Paramedics who are no longer working on ambulances (per the table below):

FY 2015 EMS Operational Fee (Base)	\$10,335,000
CPI Formula Adjustment of +1.625%	+\$171,093
City EMS Operational Fee (gross)	\$10,699,874
Credit for Single Role Replacements	(\$370,067)
FY 2016 City EMS Operational Fee (net)	\$10,339,504

User Fee Schedule: The City's current price control methodology requires Rural/Metro to maintain a stipulated Average Patient Charge (APC). Rural Metro will require a 60-day implementation period to increase the system ambulance hours necessary to meet negotiated improvements after which user fees will transition to a City-approved rate schedule (with a Base Rate plus add on charges for mileage and Oxygen) which is consistent for the EMS industry and Medicare reimbursement methodology (Attachment 6).

CPI Adjustment: An annual Consumer Price Index (CPI) adjustment will be applied at the beginning of each Fiscal Year to both the user fees as well as to the City's EMS Operational Fee revenue.

Buyout Options: This Amendment includes options for the City to buy-out of the contract after the third year or fourth year with a 180 day notice to Rural/Metro. The buyout costs include fixed and variable components and are estimated to be \$3.964M after year 3 or \$2.161M after year 4. The figures are based on the anticipated investment made by Rural/Metro over the five-year term. It is a reduced buyout cost based on unrealized depreciation of the assets and as such, the assets will remain the property of Rural/Metro.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTIONS:

City Council approved the Second Amendment contract extension per Resolution R-308905 dated April 28, 2014.

Mainar/Chadwick

Primary Contact\Phone: Alyssa Ross\619-533-4308

Secondary Contact\Phone: Chief Colin Stowell\619-533-4306

City Attorney Contact: Brazier, Noah J.

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 - Rainbow Terrace.

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 "RAINTREE TERRACE" (T.M. No. 1215243, PTS No. 394675) in the R-301263 zone, within the San Ysidro Council District 8, 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 - 5104 Cape May.

Notice is hereby given that the City Land Surveyor has reviewed and will approve on the date of this City Council meeting that certain final map entitled "5104 CAPE MAY " (T.M. No. 497518, PTS No.126046) located at 2660 Abbott Street at the northwest corner of Abbott Street and Cape May Avenue in the RM-2-4 zone, within the Ocean Beach Community Plan Area, Council District 2, and legally described as Southwesterly 3/5^{ths} of Lots 21, 22, 23, and 24 in Block 77 of Ocean Beach, according to Map No. 279 filed May 28, 1887, a copy of which is available for public viewing at the office of the San Diego City Clerk. Specifically, the City Land Surveyor 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 Land Surveyor 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 Frederick LePage (619) 446-5434.

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