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6/18/13

(O-2013-96)

ORDINANCE NUMBER O- 20269 (NEW SERIES)

DATE OF FINAL PASSAGE JUL 02 2013

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING A 13-YEAR LOAN AGREEMENT WITH THE CALIFORNIA ENERGY COMMISSION IN THE AMOUNT OF \$2,000,000, WHICH REQUIRES A \$1,000,000 MATCH, AND TAKING RELATED ACTIONS IN CONNECTION WITH THE BROAD SPECTRUM POST TOP STREET LIGHT CONVERSION PROJECT.

WHEREAS, pursuant to the California Energy Conservation Assistance Act the California Energy Commission (CEC) has loan funds available for select public entities to perform energy conservation projects; and

WHEREAS, the City of San Diego has recently used such loan funds for energy efficient cobra head broad spectrum street light replacements in various areas of the City as authorized by City Council Resolution R-306251; and

WHEREAS, Qualified Energy Conservation Bond (QECCB) funds in the amount of \$13,100,000 were added to the previous CEC loan funds to fund the City-wide cobra head replacement project; and

WHEREAS, the City-wide cobra head fixture replacement project is now complete and there remains QECCB funding from that project which can be used to perform a similar project for energy efficient post top fixtures in the downtown area; and

WHEREAS the City now could make use of additional CEC loan funds for energy efficient post top broad spectrum lights for the downtown area of the City; and

WHEREAS, the Environmental Services Department (ESD) has applied and received approval of a 1 percent CEC loan for \$2,000,000 for energy efficient post top light fixtures, and this loan requires a \$1,000,000 match; and

WHEREAS, the \$1,000,000 match will be funded by the remainder of the existing QECB proceeds; and

WHEREAS, a minor amendment is necessary to the Taxable QECB Equipment Lease Agreement to expand the definition of "Energy Conservation Equipment" to include energy efficient post top light fixtures; and

WHEREAS, the downtown post top fixtures project plans to convert approximately 3,300 pedestrian post top street lights to Broad Spectrum lighting using energy efficient system adaptive control technology; and

WHEREAS, the proposed downtown post top fixture replacement project implementation plans are intended to reduce energy consumption and General Fund expenditures for energy street lighting; and

WHEREAS, the biannual energy savings for the project for approximately 3,300 post top street lights is estimated to be sufficient to cover the biannual loan payments and interest for the 13 years of the CEC loan; and

WHEREAS, it is in the City's interest to accept the new CEC loan and dedicate the energy savings to its repayment, and to make annual appropriations for purpose of repaying the loan to achieve energy efficiency in downtown area street lighting; and

WHEREAS, under Charter section 99, no contract, agreement or obligation extending for a period of more than five years may be authorized except by Ordinance approved by a two-thirds majority vote of the City Council; NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That the Mayor or his designee is authorized and directed to execute, for and on behalf of the City, a thirteen-year loan agreement with the California Energy Commission in the

amount of \$2,000,000 at a 1percent simple interest rate, to retrofit post top street lights in the downtown area with broad spectrum energy efficient fixtures, and to comply with all terms and conditions, as set forth in the Energy Conservation Assistance Act Loan Agreement (Loan Award No. 005-12-ECF, the form of which is on file in the Office of the City Clerk as Document No. OO- 20269).

Section 2. That the Chief Financial Officer is authorized to accept and expend and CEC funds up to \$2,000,000 in accordance with the terms and conditions of the CEC Loan No. 005-12-ECF.

Section 3. That the Chief Financial Officer is authorized to establish a separate account for CEC Loan No. 005-12-ECF.

Section 4. That in accordance with the annual appropriation ordinance, the Chief Financial Officer is authorized to amend the Fiscal Year 2013 Capital Improvement Program budget by increasing A-BT.00003, Citywide Energy Improvements CEC Loan Fund, in the amount of \$2,000,000.

Section 5. That the Chief Financial Officer is authorized to appropriate and expend \$2,000,000 in A-BT.00003, Citywide Energy Improvements CEC Loan Fund, for the purpose of implementing the project, contingent upon receipt of a fully executed loan agreement and Comptroller certification that funds are, or will be on deposit with the City Treasurer.

Section 6. That the Mayor or his designee are authorized to enter into an amendment to the Taxable QECCB Equipment lease Agreement with Banc of America Leasing and Capital LLC for the sole and limited purpose of expanding the definition of "Energy Conservation Equipment" to include energy efficient post top light fixtures in addition to the cobra head fixtures.

Section 7. That a full reading of this ordinance is dispensed with prior to its passage, a written or printed copy having been made available to the City Council and the public prior to the day of its passage.

Section 8. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: JAN I. GOLDSMITH, City Attorney

By Frederick M. Ortlieb
Frederick M. Ortlieb
Deputy City Attorney

FMO:jab:mb
05/21/13
Or.Dept:ESD
Doc.No:567100

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at its meeting of JUN 18 2013.

ELIZABETH S. MALAND, City Clerk

By Elizabeth S. Maland
Deputy City Clerk

Approved: 7/2/13
(date)

Bob Filner
BOB FILNER, Mayor

Vetoed: _____
(date)

BOB FILNER, Mayor

Passed by the Council of The City of San Diego on JUN 18 2016, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Faulconer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage JUL 02 2013.

AUTHENTICATED BY: BOB FILNER
Mayor of The City of San Diego, California.

(Seal) ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By *Jennette Sparto*, Deputy

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on JUN 04 2016, and on JUL 02 2013.

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

(Seal) ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By *Jennette Sparto*, Deputy

Office of the City Clerk, San Diego, California

Ordinance Number O- 120269