

RESOLUTION NUMBER R- 310107

DATE OF FINAL PASSAGE DEC 11 2015

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING A SOFTWARE LEASE PURCHASE AGREEMENT WITH GOVERNMENT CAPITAL CORP TO FINANCE THE ACQUISITION OF SOFTWARE AND RELATED LICENSES, HOSTING AND MAINTENANCE FEES AND OTHER COSTS ALL RELATED TO THE AGREEMENT WITH ACCELA, INCORPORATED, AS AMENDED.

WHEREAS, the Development Services Department (DSD) has entered into an agreement (Document No. RR-309996) with Accela, Incorporated (Accela) to provide software, licensing, hosting, maintenance fees and other professional services, all related to the replacing DSD's permit tracking system (Accela Agreement); and

WHEREAS, when the Accela Agreement was approved by the City Council, the City intended to finance the costs related to the Accela Agreement, in part, through a master lease agreement with Banc of America Public Capital Corp as part of the City's Equipment and Vehicle Financing Program (EVFP); and

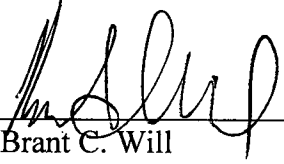
WHEREAS, Accela has proposed an alternative software lease purchase agreement through Government Capital Corp. (GovCap) that provides lower financing costs than available through EVFP; and

WHEREAS, the City Council desires to enter into a software lease purchase agreement with GovCap; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that the Mayor, the Chief Operating Officer, the Chief Financial Officer or any of their designees is hereby authorized and directed to execute, for and on behalf of the City of San Diego, a Software Lease Purchase Agreement with GovCap (GovCap Agreement) for the purpose of financing the acquisition of

software, licensing, hosting, maintenance fees and other professional services, all related to the Accela Agreement. The GovCap Agreement shall be substantially in the form presented to this Council, on file in the Office of the City Clerk as Document No. RR- 310107, with such additions and changes therein as the Chief Operating Officer or Chief Financial Officer, in consultation with the City Attorney, shall approve as being in the best interest of the City; provided however that: (i) the amount financed under the GovCap Agreement shall not exceed \$9,300,623.12; (ii) the interest rate shall not exceed two point six percent (2.6 %) annually, and (iii) the term shall not exceed 5 years.

APPROVED: JANI I. GOLDSMITH, City Attorney

By   
Brant C. Will  
Deputy City Attorney

BCW:jdf:cm  
12/23/15 CORR. COPY  
11/23/15  
Or.Dept: DSD  
Doc. No.: 1174976\_2

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of \_\_\_\_\_.

ELIZABETH S. MALAND  
City Clerk

By \_\_\_\_\_  
Deputy City Clerk

Approved: \_\_\_\_\_  
(date)

\_\_\_\_\_  
KEVIN L. FAULCONER, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
KEVIN L. FAULCONER, Mayor

See attached MEMO and signature page

**Office of  
The City Attorney  
City of San Diego**

**MEMORANDUM**

**DATE:** December 23, 2015  
**TO:** City Clerk  
**FROM:** Brant C. Will, Deputy City Attorney  
**SUBJECT:** Resolution R-2016-292 Cor. Copy

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This memorandum is to request that the City Clerk correct resolution number R-310107, adopted by the City Council on December 8, 2015.

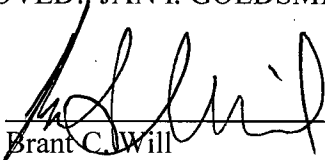
The City Attorney identified a typographical error in the resolution wherein the authorized amount of the financing approved by the resolution was stated as \$9,300,000 but the amount authorized in the accompanying contract was \$9,300,623.12. The latter number is the correct amount. Pursuant to Charter section 275(a), the City Clerk may make alterations to a resolution with the written approval and concurrence of the City Attorney, so long as the alteration does not materially or substantially alter the contents, requirements, rights, responsibilities, conditions, or prescriptions contained in the original text of the resolution. In this case, the correct amount was specified in the form of the agreement and incorrectly state in the resolution. The difference in the state amounts is also not material.

Please let me know if you have any questions regarding this request.

BCW:jdf  
Doc. No.: 1194290

software, licensing, hosting, maintenance fees and other professional services, all related to the Accela Agreement. The GovCap Agreement shall be substantially in the form presented to this Council, on file in the Office of the City Clerk as Document No. RR- 310107, with such additions and changes therein as the Chief Operating Officer or Chief Financial Officer, in consultation with the City Attorney, shall approve as being in the best interest of the City; provided however that: (i) the amount financed under the GovCap Agreement shall not exceed \$9,300,000; (ii) the interest rate shall not exceed two point six percent (2.6 %) annually, and (iii) the term shall not exceed 5 years.

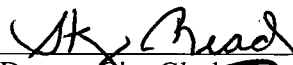
APPROVED: JAN I. GOLDSMITH, City Attorney

By   
Brant C. Will  
Deputy City Attorney

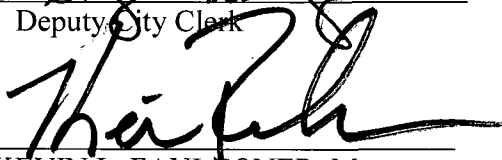
BCW:jdf  
11/23/15  
Or.Dept: DSD  
Doc. No.: 1174976

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of DEC 08 2015.

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 12/11/15  
(date)

  
KEVIN L. FAULCONER, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
KEVIN L. FAULCONER, Mayor

Passed by the Council of The City of San Diego on DEC 08 2015, 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"/>
Lorie Zapf	<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"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 DEC 11 2015

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

KEVIN L. FAULCONER  
Mayor of The City of San Diego, California.

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

(Seal)

By *Steph Bradley*, Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 310107