

CITY OF SAN DIEGO COUNCIL DOCKET



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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
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Monday, August 1, 2016

**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
MONDAY, AUGUST 1, 2016, 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.

PROCLAMATIONS/CEREMONIAL ITEMS

NOTE: The following Proclamation will be presented in Council Chambers and approved by Unanimous Consent unless pulled for discussion.

ITEM-20: BeastMode for the Brave Run Across America Day.

PRESENTED BY MAYOR FAULCONER AND COUNCILMEMBER ZAPF:

Proclaiming August 1, 2016, to be "BeastMode for the Brave Run Across America Day" in the City of San Diego.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS
ORDINANCES TO BE INTRODUCED, READY FOR DISPENSING WITH THE READING
AND ADOPTION WITH RESOLUTIONS TO BE ADOPTED:

ITEM-200: Consideration of a Proposed Ballot Measure to Amend the City Charter Related to Qualifications, Forfeiture, Vacancy, Succession, and Removal of Elective Officers. (Citywide.)

ITEM DESCRIPTION:

Request that the City Council adopt the ordinance in Subitem A to place on the November 8, 2016, Municipal Special Election ballot a measure to amend the City Charter related to qualifications, forfeiture, vacancy, succession, and removal of elective officers; and adopt the resolution in Subitem B, directing the preparation of related ballot materials.

TODAY'S ACTIONS ARE:

Introduce and adopt the ordinance; and adopt the resolution:

Subitem-A: (O-2-17-22)

Introduction and adoption of an Ordinance submitting to the qualified voters of the City of San Diego, for their approval or rejection at the Municipal Special Election, consolidated with the California State General Election to be held on November 8, 2016, one measure amending the City Charter by amending Article II, by amending Section 7; amending Article III, by amending Section 12; amending Article V, by amending Section 40; amending Article VII, by amending Section 108; amending Article XIV, by amending Sections 217 and 218; amending Article XV, by amending Section 265; and adding a new Article XVI, by adding new Sections 300, 301 and 302, all relating to qualifications, vacancies, removal, and succession of elective officers.

NOTE: Subitem A is not subject to the Mayor's veto.

Subitem-B: (R-2017-58)

Directing the City Attorney to prepare a ballot title and summary, and an impartial analysis, of the proposed ballot measure for inclusion in the voter pamphlet and to deliver the ballot title and summary, and the impartial analysis, to the Office of the City Clerk, Elections Section, no later than August 22, 2016;

Directing the Independent Budget Analyst, working with the Mayor (or the Mayor's designee) and the City Auditor, to prepare a fiscal impact analysis of the proposed ballot measure for inclusion in the voter pamphlet and to deliver the analysis to the Office of the City Clerk, Elections Section, no later than August 22, 2016;Subitem-B:

Authorizing _____ to sign and file a written ballot argument in _____ the ballot measure for inclusion in the voter pamphlet, and to deliver the argument to the Office of the City Clerk, Elections Section, no later than August 25, 2016.

NOTE: Subitem B is not subject to the Mayor's veto.

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

\$4,173,583 is budgeted under Citywide Program Expenditures for the November 2016, election. The final cost will be impacted by the total number of ballot measures approved for the ballot and is unknown at this time.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

At the July 11, 2016, Council meeting the Council unanimously directed the City Attorney to prepare the ballot language and ordinances necessary to place this matter on the November 2016, ballot. Additionally, they requested that the matters regarding the City Attorney qualifications and vacancy be incorporated into this ballot measure.

Jurado-Sainz

Primary Contact\Phone: Steve Hadley\619-236-6611

ITEM-201: Consideration of a Proposed Ballot Measure to Amend City Charter Section 40-City Attorney Related to reducing the probationary period for the Deputy City Attorneys from two years to one year. (Citywide.)

ITEM DESCRIPTION:

Request that the City Council adopt the ordinance in Subitem A to place on the November 8, 2016, Municipal Special Election ballot a measure to amend Charter Section 40-City Attorney Related to reducing the probationary period for the Deputy City Attorneys from two years to one year.

TODAY'S ACTIONS ARE:

Introduce and adopt the ordinance; and adopt the resolution:

Subitem-A: (O-2017-16)

Introduction and adoption of an Ordinance submitting to the qualified voters of the City of San Diego, for their approval or rejection at the Municipal Special Election, consolidated with the California State General Election to be held on November 8, 2016, one measure amending the City Charter by amending Article V, Section 40, relating to employment of Deputy City Attorneys.

NOTE: Subitem A is not subject to the Mayor's veto.

Subitem-B: (R-2017-39)

Directing the City Attorney to prepare a ballot title and summary, and an impartial analysis, of the proposed ballot measure for inclusion in the voter pamphlet and to deliver the ballot title and summary, and the impartial analysis, to the Office of the City Clerk, Elections Section, no later than August 22, 2016;

Directing the Independent Budget Analyst, working with the Mayor (or the Mayor's designee) and the City Auditor, to prepare a fiscal impact analysis of the proposed ballot measure for inclusion in the voter pamphlet and to deliver the analysis to the Office of the City Clerk, Elections Section, no later than August 22, 2016;

Authorizing _____ to sign and file a written ballot argument in _____ the ballot measure for inclusion in the voter pamphlet, and to deliver the argument to the Office of the City Clerk, Elections Section, no later than August 25, 2016.

NOTE: Subitem B is not subject to the Mayor's veto.

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

\$4,173,583 is budgeted under Citywide Program Expenditures for the November 2016, election. The final cost will be impacted by the total number of ballot measures approved for the ballot and is unknown at this time.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

At the July 11, 2016, Council meeting the City Council directed the City's labor negotiating team to meet and confer with the Deputy City Attorney's Association regarding the proposal to reduce the probationary period for Deputy City Attorneys from two years to one year and then return to Council for placement of this item on the ballot once meet and confer is complete.

Jurado-Sainz

Primary Contact\Phone: Erin Demorest\619-236-6611

City Attorney Contact: Townsley, Carrie G. and Spivak, Sharon B.

ITEM-202: Consideration of a Proposed Ballot Measure to Amend the City Charter Related to Charter Section 43(d) Citizens' Review Board on Police Practices. (Citywide.)

ITEM DESCRIPTION:

Request that the City Council adopt the ordinance in Subitem A to place on the November 8, 2016, Municipal Special Election ballot a measure to amend the City Charter Section 43(d) Citizen's Review Board on Police Practices; and adopt the resolution in Subitem B, directing the preparation of related ballot materials.

TODAY'S ACTIONS ARE:

Introduce and adopt the ordinance; and adopt the resolution:

Subitem-A: (O-2017-15)

Introduction and adoption of an Ordinance submitting to the qualified voters of the City of San Diego, for their approval or rejection at the Municipal Special Election, consolidated with the California State General Election to be held on November 8, 2016, one measure amending the City Charter by amending Article V, Section 43(d), relating to the Citizens' Review Board on Police Practices.

NOTE: Subitem A is not subject to the Mayor's veto.

Subitem-B: (R-2017-55)

Directing the City Attorney to prepare a ballot title and summary, and an impartial analysis, of the proposed ballot measure for inclusion in the voter pamphlet and to deliver the ballot title and summary, and the impartial analysis, to the Office of the City Clerk, Elections Section, no later than August 22, 2016;

Directing the Independent Budget Analyst, working with the Mayor (or the Mayor's designee) and the City Auditor, to prepare a fiscal impact analysis of the proposed ballot measure for inclusion in the voter pamphlet and to deliver the analysis to the Office of the City Clerk, Elections Section, no later than August 22, 2016;

Authorizing _____ to sign and file a written ballot argument in _____ the ballot measure for inclusion in the voter pamphlet, and to deliver the argument to the Office of the City Clerk, Elections Section, no later than August 25, 2016.

NOTE: Subitem B is not subject to the Mayor's veto.

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

\$4,173,583 is budgeted under Citywide Program Expenditures for the November 2016, election. The final cost will be impacted by the total number of ballot measures approved for the ballot and is unknown at this time.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

At the June 28, 2016, Council meeting the Council directed the City Attorney to return with the necessary ballot language and ordinances to place this matter on the November 2016, ballot.

Jurado-Sainz

Primary Contact\Phone: Diana Jurado-Sainz\619-533-3920

City Attorney Contact: Gersten, William and Spivak, Sharon B.

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.

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: Submission of Ballot Proposals for the November 8, 2016 Ballot.

**SUBMISSION OF BALLOT PROPOSALS
FOR THE NOVEMBER 8, 2016 BALLOT**

City Council Policy 000-21 establishes the procedure for submittal of ballot proposals. The Council Policy states that members of the public shall submit proposals to the City Clerk, who shall then transmit them promptly to Committee for review and comment. The proposals must be submitted in time to allow the City Clerk to list on the Council Docket, prior to the election, the ballot proposals which have been referred to Council following Committee review.

Therefore, the City Clerk has established the following administrative guidelines for the November 8, 2016, election.

<u>DAY</u>	<u>DATE</u>	<u>DAYS BEFORE ELECTION</u>	<u>EVENT</u>
Tuesday	6/7/16	154	LAST DATE (5:00 p.m.) for public, departments and agencies to submit ballot proposals to City Clerk for review by Committee
Wednesday	6/15/16	146	Committee review
Monday	6/27/16	134	Council Docket (PUBLIC NOTICE) lists proposals referred by Committee
Monday - Tuesday	7/11/16 - 8/2/16	120 - 98	Council to discuss propositions, direct City Attorney to prepare ordinances placing measures on the ballot, and adopt prepared ordinances
Friday	8/12/16	88	Last day for City Clerk to file with Registrar of Voters all elections material
Monday	8/22/16	78	Impartial and Fiscal Analyses and ballot titles/summaries due to the City Clerk
Thursday	8/25/16	75	Last day to file ballot arguments with City Clerk

If you have questions, please contact the Office of the City Clerk at (619) 533-4000.

ITEM-251: Public Examination of Election Materials.

May 18, 2016

Pursuant to San Diego Municipal Code Section 27.0403, candidate statements, the propositions and related ballot materials for said candidate races and propositions, to be submitted to the voters within the City of San Diego at the election of November 8, 2016, will be available for public examination for ten (10) calendar days prior to being submitted for printing in the sample ballot. During the examination period, any voter registered in the City may seek a writ of mandate or an injunction requiring any or all of the ballot or sample ballot materials be amended or deleted. Please note the following examination periods:

<u>Document</u>	<u>Start date</u>	<u>End date</u>
Candidate Statements of Qualification and Designations of Principal Profession or Occupation	August 3, 2016	August 13, 2016
Ordinances calling election and Ordinances placing measures on the ballot	August 15, 2016	August 25, 2016
City Attorney's impartial analysis, ballot title and summary, and Mayor/IBA/City Auditor's fiscal analysis	August 23, 2016	September 1, 2016
Ballot arguments	August 26, 2016	September 5, 2016

For additional information regarding this matter, please contact the Office of the City Clerk at (619) 533-4000.

ITEM-252: Arguments Supporting or Opposing Propositions.

For propositions approved by the Council for submittal to the qualified voters of the City of San Diego at the Municipal General Election to be held on Tuesday, November 8, 2016, the City Clerk has fixed 5:00 p.m. on **Thursday, August 25, 2016**, as a reasonable date prior to such election after which no arguments for or against City Propositions may be submitted to the Clerk.

Any argument for or against any City proposition shall not exceed 300 words in length and may be filed by the Council, or any member or members of the Council authorized by the Council, or the bona fide sponsors or proponents of the measure, or any bona fide association of citizens or individual voter, or any combination of voters and associations.

All arguments must be accompanied by a statement signed by each author that the argument is true and correct to the best of his/her knowledge and belief. (Forms for this statement are available in the Office of the City Clerk or at <http://www.sandiego.gov/city-clerk/forms/pdf/argumentsigform.pdf>.)

[San Diego Municipal Code section 27.0512](#) provides the priority for selection if more than one argument is submitted for, or against, any measure.

An argument shall not be accepted unless accompanied by the name or names of the person or persons submitting it, or if submitted on behalf of an organization, the name of the organization and the name of at least one of its principal officers. No more than five signatures shall appear with any argument submitted. In case any argument is signed by more than five persons, the signatures of the first five shall be printed.

Arguments may be changed or withdrawn by their proponents until and including the date fixed by the City Clerk.

Arguments shall be submitted to the City Clerk at the Office of the City Clerk, 2nd Floor, City Administration Building, 202 "C" Street, San Diego, California, 92101.

ITEM-253: **Notice** of Pending final Map Approval - Pacific Highlands Ranch Unit 8.

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 "Pacific Highlands Ranch Unit 8" (V.T.M. No. 7248, PTS 426994), located at the north end of Pacific Highlands Ranch Parkway, legally described as portions of Parcel 2 of Parcel Map No. 20703, and a portion of the Southwest Quarter and the West Half of the Southeast Quarter of Section 9, Township 14 South, Range 3 West, San Bernardino Meridian in the City of San Diego, County of San Diego, State of California According to The Official Plat Thereof, in the Pacific Highlands Ranch Subarea III Plan area, in the OC-1-1, RS-1-11, RS-1-13, RS-1-14, RX-1-1, RT-1-2 and AR-1-1 zones filed in the County Recorder of San Diego County, 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 R. LePage (619) 446-5434.

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT