

# CITY OF SAN DIEGO COUNCIL DOCKET



## COUNCIL PRESIDENT

**Todd Gloria • Third District**

## COUNCIL PRESIDENT PRO TEM

**Sherri Lightner • First District**

## COUNCILMEMBERS

**Edward Harris • Second District**

**Myrtle Cole • Fourth District**

**Mark Kersey • Fifth District**

**Lorie Zapf • Sixth District**

**Scott Sherman • Seventh District**

**David Alvarez • Eighth District**

**Marti Emerald • Ninth District**

**Andrea Tevlin  
Independent  
Budget Analyst**

**Jan Goldsmith  
City Attorney**

**Liz Maland  
City Clerk**

**Council Chambers, 12<sup>th</sup> Floor, City Administration Building**

**Monday, June 9, 2014**

**AGENDA FOR THE  
REGULAR COUNCIL MEETING OF  
MONDAY, JUNE 9, 2014, AT 2:00 PM  
CITY ADMINISTRATION BUILDING  
COUNCIL CHAMBERS – 12<sup>TH</sup> FLOOR  
202 “C” STREET  
SAN DIEGO, CA 92101**

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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](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, ranging from five business days to two weeks. 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.

**OTHER LEGISLATIVE MEETINGS**

A Special Meeting of the **SAN DIEGO HOUSING AUTHORITY** is scheduled to meet today in the Council Chambers. A separate agenda is published for it, and is available in the Office of the City Clerk. For more information, please contact the Housing Authority Secretary at (619) 578-7564. Internet access to the agenda is available at:  
<http://www.sdhc.org/Media-Center/SDHC-Meetings/Housing-Authority-Meetings/>

**ROLL CALL**

**INVOCATION**

**PLEDGE OF ALLEGIANCE**

**NON-AGENDA PUBLIC COMMENT**

Non-agenda public comment is taken on Tuesday pursuant to San Diego Municipal Code Section 22.0101, Rule 2.6.

**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 SMART GROWTH AND LAND USE, RESOLUTIONS:

ITEM-150: Proposed Fiscal Year 2015 Affordable Housing Fund Annual Plan. (Citywide.)

**ITEM DESCRIPTION:**

That the San Diego City Council approve the proposed Fiscal Year 2015 Affordable Housing Fund Annual Plan as presented in this report.

**SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:**

Adopt the following resolution:

(R-2014-768)

Approving the FY 2015 Annual Plan;

Approving the Annual Plan's Program Activity Allocation of \$33,240,256 in anticipated funds (also included in the FY 2015 Housing Commission Proposed Budget) and the proposed Model Programs included in the FY 2015 Annual Plan;

Authorizing the President and Chief Executive Officer of the Housing Commission, to reallocate funds among the proposed Model Programs included in the FY 2015 Annual Plan in response to market demands and opportunities.

**SUPPORTING INFORMATION:**

FISCAL CONSIDERATIONS:

The proposed funding sources and uses approved by this action are included in the proposed FY 2015 Housing Commission budget. Approving this action will not change the FY 2015 Total Budget, but will allocate funding sources among uses. Please refer to staff report for further information.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

- City Council has adopted an Annual Plan each year in accordance with the Code.
- In 2011, the Housing Commission convened a Best Practices Task Force (Task Force) to review affordable housing practices and funding issues related to the Housing Impact Fee Ordinance. The Task Force's final recommendations for additional revenue sources dedicated to affordable housing were submitted to the Land Use and Housing Committee (LU&H) on November 16, 2011. LU&H took no action on the recommendations, and the matter was not docketed again by the City Council.

- City Council on March 4, 2014, rescinded its previous December 10, 2013, approval of updates to the City's Housing Impact Fee Ordinance. City Council directed the Housing Commission and the Jobs Coalition to continue the dialogue about funding options and report back to the Smart Growth and Land Use Committee in three months with an update and proposed actions to take.
- On April 11, 2014, the Housing Commission voted 4-0 to recommend that the City Council approve the Annual Plan.
- This item was presented at the Smart Growth and Land Use Committee on April 30, 2014. Committee member Myrtle Cole requested that the Nonprofit Capacity Building Programs remain part of the AHF model programs. The model programs section of the Annual Plan includes Nonprofit Capacity Building Programs. Committee Chair Lorie Zapf recommended revisiting the removal of Nonprofit Capacity Building Programs during the Fiscal Year 2016 Annual Plan process.

**ACTION:** Motion by Councilmember Cole, second by Councilmember Lightner, to recommend to full council, with the Amendment that the fund for Non-Profit Capacity Building be included into the plan.

**VOTE:** 4-0; Zapf-yea, Cole-yea, Lightner-yea, Sherman-yea.

Davis/Villa

Primary Contact\Phone: Ann Kern\619-578-7582

City Attorney Contact: Halsey, Keely M.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

RESOLUTIONS:

ITEM-151: Proposed Fiscal Year 2014-2015 Administrative Budget for Civic San Diego - General.

**ITEM DESCRIPTION:**

Proposed Fiscal Year 2014-2015 Administrative Budget for Civic San Diego.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2014-773)

Accepting and approving the FY15 Budget for Civic San Diego;

Declaring that approval of the FY15 Budget constitutes authority for the expenditure of available funds in Fiscal Year 2015, which are anticipated to include:

(i) funds provided by the City of San Diego, solely in its capacity as the designated successor agency to the Redevelopment Agency of the City of San Diego, a former public body, corporate and politic;

(ii) funds allocated by the City Council from such sources as Community Development Block Grant, property tax revenue, sales tax and others;

(iii) funds collected by Civic San Diego in the form of permit application fees and any similar fees;

(iv) funds provided by such entities as the U.S. Department of Housing and Urban Development, Economic Development Administration and others;

(v) funds provided by the U.S. Department of Treasury, Community Development Financial Institution Fund, New Market Tax Credit Program, and

(vi) any other funds that may be received.

Authorizing the City Chief Financial Officer, or designee, to:

(a) establish the necessary accounts;

- (b) appropriate all monies available up to the amounts shown in the FY15 Budget;
- (c) record the expenditures of funds and the recovery of all accrued costs subject to the amount of available revenues;
- (d) provide advances to Civic San Diego for operating expenses related solely to permitting functions, up to an amount equal to fifty percent (50%) of the permit-related services reflected in the FY15 Budget, and
- (e) provide advances to Civic San Diego for operating expenses related to all functions other than permitting, up to an amount equal to fifteen percent (15%) of the non-permit-related services reflected in the FY15 Budget.

In making the advances to Civic San Diego described in clauses (d) and (e) of the immediately preceding sentence, the City may utilize a portion of the property tax revenue distributed to the City as part of the distribution of the residual balance of the Redevelopment Property Tax Trust Fund under Assembly Bill x1 26, or may utilize such other available City funds as deemed appropriate by the City Chief Financial Officer;

Authorizing the Civic San Diego's Chief Financial Officer, or designee, to request the City Chief Financial Officer, as delegated, to make budgetary transfers between line items in the FY15 Budget in accordance with Section 6.1 of the Amended Bylaws;

Declaring that the FY15 Budget for Civic San Diego shall be increased automatically to reflect any revenues received in excess of budget estimates, when Civic San Diego's Chief Financial Officer, or designee, certifies that additional revenues and monies to be received are available.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

The FY15 Budget totals \$6,982,000 and has increased by 13.6 percent, or \$837,000 as compared to the Fiscal Year 2013-2014 Budget (“FY14 Budget”). The FY15 Budget is categorized by function and respective revenue sources, permit application fees, parking-meter revenues, revenues from administrative and project management fees performed for the City solely in its capacity as the designated Successor Agency to the Redevelopment Agency of the City (“Successor Agency”) in the wind-down process pursuant to AB26, grants, and other revenues sources.

**PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:**

This item was heard at the Budget Review Committee on May 8, 2014 as information only. Subsequently, the Mayor's May Revision to the Budget was released, which included an additional \$300,000 for Economic Development. This item has been revised to reflect the allocation of an additional \$300,000 for Economic Development.

Phillips/Villa

Primary Contact\Phone: Andrew Phillips\619-533-7127

City Attorney Contact: Wander, Adam

ADOPTION AGENDA, DISCUSSION, COMMITTEE ITEMS

## COMMITTEE ON BUDGET AND GOVERNMENT EFFICIENCY, RESOLUTIONS:

ITEM-152: Fiscal Year 2014 Year-End Budget Monitoring Report No. 14-043.

**ITEM DESCRIPTION:**

The FY 2014 Year-End Budget Monitoring Report presents year-end projections of revenues and expenditures for funds with budgeted personnel expenditures. Year-end projections were developed using actual (unaudited) data from July 2013 through March 2014, which provides nine accounting periods of actual activity, and departments' anticipated spending trends for the remaining three accounting periods of this fiscal year. The Year-End Report provides a high-level summary of projected revenues and expenditures including the impact of the projected activity on the unrestricted fund balance of the General Fund and reserve targets.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2014-776)

Approving the Year-End Revisions to the 2014 Budget, as detailed in Report No. 14-043, and directing the Chief Financial Officer as follows:

1. Transfer \$200,000 from the Citywide Program Expenditures (9912) in the General Fund (100000) to the CIP Contributions from the General Fund (400265).
2. Adjust the Fiscal Year 2014 Capital Improvement Program (CIP) Budget appropriations as follows:
  - a. De-appropriate \$75,000 and close the Ocean Beach Veterans Memorial (S-14012) project;
  - b. De-appropriate \$200,000 and close the Taylor Street - Bikeway (S-00965) project and return the funds back to their original source, TransNet Prop A ½% Sales Tax Fund (400156);
  - c. Transfer up to \$1,100,000 in appropriations from the Enterprise Asset Management SAP (S-13013) in the OneSD Support Fund (200610) project to the EAM ERP Implementation (S-14000) project in the OneSD Support Fund (200610), and close the Enterprise Asset Management SAP (S-13013) project;
  - d. De-appropriate up to \$750,000 in the Pacific Highway Curb Ramps (S-11045) project and return the funds to their original source, Midway/Pacific Hwy Urban Community Fund (400115); and,

e. Increase appropriations by up to \$200,000 in the Crystal Pier Improvements (S-11014) project in the CIP Contributions from the General Fund (400265).

Authorizing the Chief Financial Officer to adjust expenditure appropriations in the Prop 42 – Transportation Relief Fund (200306) based on actual revenues received and/or available fund balance to support capital improvements;

Authorizing the Chief Financial Officer to decrease carry forward appropriations in the Fleet Replacement Funds (720002-720037) as needed to align the budget with actual expenditures and/or available fund balance;

Authorizing the Chief Financial Officer to transfer appropriations between General Fund (100000) departments as necessary where the net transfer does not result in an increase to either department's current budget;

Authorizing the Chief Financial Officer to transfer appropriations among General Fund (100000) departments as necessary at fiscal year close to match actual activity;

Authorizing the Chief Financial Officer to adjust appropriations for unforeseen events in order to close Fiscal Year 2014 with departments and funds in balance.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

See Fiscal Year 2014 Year-End Budget Monitoring Report.

**PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:**

- This item was heard at the Budget and Government Efficiency Committee meeting of the full City Council on May 21, 2014, and forwarded to the full Council. This item does not require two Council hearings and will be amending the budget via resolution.

**ACTION:** Motion by Councilmember Cole, second by Councilmember Emerald, to accept the report and approve staff's recommendation.

**VOTE:** 9-0; Gloria-yea, Lightner-yea, Harris-yea, Cole-yea, Kersey-yea, Zapf-yea, Sherman-yea, Alvarez-yea, Emerald-yea.

Khouri/Lewis

Primary Contact\Phone: Alia Khouri\619-533-4082

Secondary Contact\Phone: Tania Serhan\619-236-5556

City Attorney Contact: Will, Brant C.

**ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS**  
**RESOLUTIONS:**

ITEM-200: Approval of FY 2015 Budget.

**ITEM DESCRIPTION:**

Per the City Charter, the City Council is to hold two public hearings to consider the Mayor's budget, prior to June 15th. Following the two public hearings, the Council is to adopt the budget by resolution, and may include changes to the Mayor's proposal. The first public hearing occurred May 19th, while the second is scheduled to be heard on June 9 (according to the Council adopted legislative calendar), where Council is scheduled to consider final modifications to the Mayor's Fiscal Year 2015 Proposed Budget and subsequent May Revision. Following Council's approval, the City Clerk is to return the Council approved budget to the Mayor for his approval or veto.

**INDEPENDENT BUDGET ANALYST'S RECOMMENDATION:**

Adopt the following resolution:

(R-2014-786)

Approving the Mayor's Proposed Budget, as modified by the May Revision, including the recommendations contained in the IBA FY 2015 Budget Report;

Directing the Mayor to present to the City Council the Fiscal Year 2015 First Quarter Budget Monitoring Report (First Quarter Budget Monitoring Report), along with the Five-Year Financial Outlook, no later than November 30, 2014;

Authorizing and directing the City Clerk to return, as soon as practicable, the Approved Budget to the Mayor in accordance with Section 290(b)(2)(A) of the Charter.

**SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:** N/A

**PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:**

Budget Review Committee meetings on FY 2015 Proposed Budget from May 5th - May 9th.  
Budget Review Committee of May Revision to Proposed Budget on May 19.

Kawar

Primary Contact\Phone: Seth Gates\619-236-6457

Secondary Contact\Phone: Jeff Kawar\619-236-6555

City Attorney Contact: Will, Brant C.

**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: Submission of Ballot Proposals for the November 4, 2014 Ballot.

**SUBMISSION OF BALLOT PROPOSALS  
FOR THE NOVEMBER 4, 2014 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.

The City Clerk has established the following administrative guidelines for the November 4, 2014, election.

<u>DAY</u>	<u>DATE</u>	<u>DAYS BEFORE ELECTION</u>	<u>EVENT</u>
Tuesday	6/03/14	154	LAST DATE (5:00 p.m.) for public, departments and agencies to submit ballot proposals to City Clerk for review by Committee.
Wednesday	6/11/14	146	Committee review.
Monday	6/16/14	141	Council Docket (PUBLIC NOTICE) lists proposals referred by Committee.
Monday	6/23/14	134	Council adopts propositions for ballot; directs City Attorney to prepare ordinances.
Monday	7/14/14	113	Council adopts ordinances prepared by City Attorney.
Friday	8/08/14	88	Last day for City Clerk to file with Registrar of Voters all elections material.
Thursday	8/21/14	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: **General** Election Public Exam Period. **(Rev. 6/6/14)**

June 2, 2014

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 4, 2014, 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 Qualifications <b>and</b> Designations of Principal Profession or Occupation	July 30, 2014	August 8, 2014
Ordinances calling election <b>and</b> Ordinances placing measures on the ballot	August 11, 2014	August 21, 2014
City Attorney's impartial analysis, ballot title and summary, <b>and</b> Mayor/IBA/City Auditor's fiscal analysis	August 19, 2014	August 28, 2014
Ballot Arguments	August 22, 2014	September 1, 2014

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 4, 2014, the City Clerk has fixed 5:00 p.m. on Thursday, August 21, 2014, 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.)

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.

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT