

# 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 16, 2014**

**AGENDA FOR THE  
REGULAR COUNCIL MEETING OF  
MONDAY, JUNE 16, 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>. 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.

**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.

PROCLAMATIONS/CEREMONIAL ITEMS

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

ITEM-20: Chris Gonaver Day.

**PRESENTED BY MAYOR FAULCONER, COUNCIL PRESIDENT TODD GLORIA,  
AND COUNCIL PRESIDENT PRO TEM LIGHTNER:**

Proclaiming June 16, 2014, to be "Chris Gonaver Day" in the City of San Diego.

ADOPTION AGENDA, DISCUSSION, COMMITTEE ITEMS  
COMMITTEE ON AUDIT:

ITEM-150: City Auditor's Performance Audit of the Police Patrol Operations.

**CITY AUDITOR'S RECOMMENDATION:**

Receive the City Auditor's Performance Audit on the Police Patrol Operations.

**SUPPORTING INFORMATION:**

FISCAL CONSIDERATIONS: N/A

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

- The report was presented to the Audit Committee on November 4, 2013.

**ACTION:** Motion by Councilmember Sherman, second by Chair Faulconer, to accept the report and forward to the full Council.

**VOTE:** 5-0; Faulconer-yea, Sherman-yea, Schreiner-yea, Valdivia-yea, Hebrank-yea.

- No changes have been made to the report since it was presented to the Committee.

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Primary Contact\Phone: Chris Kime\619-533-3030, MS 605B

Secondary Contact\Phone: Kyle Elser\619-533-3007, MS 605B

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

ITEM-200: Approval of a Side Letter memorializing an Agreement between the City and Local 911 related to voluntary pre-tax contributions to the City's 401(k) Plan in lieu of voluntary post-tax contributions to the SPSP-H Plan.

**ITEM DESCRIPTION:**

This action approves a Side Letter memorializing an Agreement between the City and Local 911 related to voluntary pre-tax contributions to the City's 401(k) Plan in lieu of voluntary post-tax contributions to the SPSP-H Plan.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2014-785)

Approving and ratifying the Side Letter Agreement to the Memorandum of Understanding (MOU) between the City of San Diego and the Local 911, pursuant to the authority of the Meyers-Milias-Brown Act (MMBA) and Council Policy 300-06, which amends Article 21 of the MOU related to voluntary employee contributions by hourly employees to the SPSP-H Plan, as specified in the Side Letter Agreement.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:** N/A

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

Resolution R-308471, approving the MOU between the City and Local 911.

von Kalinowski/Villa

Primary Contact\Phone: Judy von Kalinowski\619-236-6313, MS 56L

Secondary Contact\Phone: Karen DeCrescenzo\619-235-5802, MS 56L

City Attorney Contact: Story Parks, Roxanne

ITEM-201: Approval of a Side Letter memorializing an Agreement between the City and MEA related to voluntary pre-tax contributions to the City's 401(k) Plan in lieu of voluntary post-tax contributions to the SPSP-H Plan.

**ITEM DESCRIPTION:**

This action approves a Side Letter memorializing an Agreement between the City and MEA related to voluntary pre-tax contributions to the City's 401(k) Plan in lieu of voluntary post-tax contributions to the SPSP-H Plan.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2014-784)

Approving and ratifying the Side Letter Agreement to the Memorandum of Understanding (MOU) between the City of San Diego and the San Diego Municipal Employees Association (MEA), pursuant to the authority of the Meyers-Milias-Brown Act (MMBA) and Council Policy 300-06, which amends Article 21 of the MOU related to voluntary employee contributions by hourly employees to the SPSP-H Plan, as specified in the Side Letter Agreement.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:** N/A

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

Resolution R-308481, approving the MOU between the City of San Diego and MEA.

von Kalinowski/Villa

Primary Contact\Phone: Judy von Kalinowski\619-236-6313

Secondary Contact\Phone: Karen DeCrescenzo\619-235-5802

City Attorney Contact: Story Parks, Roxanne

ITEM-202: SPSP-H Plan Amendments to provide for negotiated increases in City contributions.

**ITEM DESCRIPTION:**

This action approves amendments to the SPSP-H Plan document to provide for negotiated increases in City contributions.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2014-600 Cor. Copy) (Rev. 6/13/14)

Approving the Amendment to the City of San Diego Supplemental Pension Savings Plan H.

**FISCAL CONSIDERATIONS:**

The scheduled increases are a part of the restoration of the 6.0% pay cuts under the five (5)-year MOUs. The estimated annual cost to the SPSP-H Plan in Fiscal Year 2015 is \$56,000 and \$254,000 in Fiscal Year 2016, per the 7507 analysis completed by Buck Consultants.

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

- Resolution R-308481, approving the MOU between the City and MEA.
  
- Resolution R-308479, approving the MOU between the City and Local 911.

von Kalinowski\Villa

Primary Contact\Phone: Judy von Kalinowski\619-236-6313, MS 56L  
Secondary Contact\Phone: Karen DeCrescenzo\619-235-5802, MS 56L  
City Attorney: Story Parks, Roxanne

ADOPTION AGENDA, DISCUSSION, HEARINGS

NOTICED HEARINGS:

ITEM-203: Genesee Right-of-Way Vacation, Project No. 286156. (University City Community Plan Area. District 1.)

**ITEM DESCRIPTION:**

Coastal Development Permit and Public Right-of-Way Vacation to vacate excess unimproved Right-of-Way pursuant to City Council Document MOU No. RR-281891-2. The project area is located on the south east corner of North Torrey Pines and Genesee.

**STAFF'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2014-779)

Adoption of a Resolution vacating a portion of North Torrey Pines Road and Genesee Avenue Rights-Of-Way (Right-of-Way Vacation No. 1011450) with a reservation of a Water and Slope easement, Project No. 286156;

Vacating Right-of-Way Vacation No. 1011450, as more particularly described as Parcel "E" in Exhibit "A" and shown on Drawing Nos. 19894-1-B and 19894-2-B in Exhibit "B," which is by this reference incorporated herein and made a part hereof, subject to the following conditions which are made a part of this Resolution:

No permanent structure shall be constructed within the reserved water and slope easements. Any proposed encroachment into this easement shall be approved to the satisfaction of the City Engineer;

Declaring that the easements reserved herein are in, under, over, upon, along, and across that portion of North Torrey Pines Road and Genesee Avenue, vacated by this Resolution and as more particularly described as Parcel "E" in the legal description marked as Exhibit "A" and shown on Drawing Nos. 19894-1-B, 19894-2-B in Exhibit "B;"

Directing Development Services Department to record a certified copy of this Resolution with attached exhibits, attested by the City Clerk under seal, in the Office of the County Recorder.

**NOTE:** This item is not subject to the Mayor's veto.

Subitem-B: (R-2014-780)

Adoption of a Resolution certifying findings with respect to Coastal Development Permit No. 1302871, which are supported by the minutes, maps and exhibits, all of which are incorporated herein by this reference;

Granting Coastal Development Permit No.1302871, based on the findings hereinbefore adopted by the City of San Diego, to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Coastal Development Permit No. 1302871, a copy of which is attached hereto and made a part hereof.

**NOTE:** This item is not subject to the Mayor's veto.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

There are no fiscal considerations to note. The property rights required for completion of the project are to be exchanged for excess right-of-way, pursuant to the terms and conditions stated in the Memorandum of Understanding, adopted by the City Council on May 3, 1993, as Document No. RR-281891-2.

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

Memorandum of Understanding between the City and the Regents (Document MOU No. RR-281891-2), adopted the City Council May 3, 1993, stating that property rights for various transportation projects benefiting both the City and the Regents would be exchanged.

July 18, 2005, R-300668 stated that the City Manager is authorized to accept quit claim deeds from the Regents for parcels required for street dedication as well as easements for water and electrical. The Resolution also authorized the City Manager to execute quit claim deeds conveying all the City's right and interest in the excess right of way parcels consistent with the above 1993 Memorandum of Understanding.

July 18, 2005, R-30069 Council stated for the record that the acceptance by the City of certain deeds from the Regents and execution of quit claim deeds from the City to the Regents is a subsequent discretionary approval of the project addressed in Mitigated Negative Declaration LDR 92-0132 and requires no further environmental review.

Vacchi\Villa\hd

Primary Contact\Phone: Helene Deisher \619- 446-5223, MS 501

Secondary Contact\Phone: Angela Nazareno \619- 446-5277, MS 501

City Attorney Contact: Lintvedt, Inga

**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.

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