

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, 12th Floor, City Administration Building

Monday, July 14, 2014

**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
MONDAY, JULY 14, 2014, 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, 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.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS
RESOLUTIONS:

ITEM-200: Results of June 3, 2014, Municipal Primary Election and Municipal Special Election in the City of San Diego. (Citywide.)

ITEM DESCRIPTION:

Approve resolution declaring the election results.

CITY CLERK'S RECOMMENDATION:

Adopt the following resolution:

(R-2014-741)

Declaring that the Council of the City of San Diego finds and determines, pursuant to the provisions of Section 27.0411 of the San Diego Municipal Code, as follows:

I

The total number of votes cast in the City was 190,586.

II

The total vote received by each municipal candidate at the Municipal Primary Election is as follows:

A.	FOR COUNCIL DISTRICT 2 (four-year term)	
	LORIE ZAPF	13,600 VOTES (53.02%)
	SARAH BOOT	9,864 VOTES (38.45%)
	MARK SCHWARTZ	1,272 VOTES (4.96%)
	JIM MORRISON	915 VOTES (3.57%)
	Total	25,651 VOTES (100%)

Lorie Zapf, having received a majority of all votes cast, is hereby declared elected to the office of Councilmember, District No. 2.

B. FOR COUNCIL DISTRICT 4 (four-year term)

MYRTLE COLE	6,921 VOTES (57.00%)
BRUCE WILLIAMS	2,378 VOTES (19.58%)
BLANCA LOPEZ BROWN	1,832 VOTES (15.09%)
ANTHONY VILLAFRANCA	1,011 VOTES (8.33%)
Total	12,142 VOTES (100%)

Myrtle Cole, having received a majority of all votes cast, is hereby declared elected to the office of Councilmember, District No. 4.

C. FOR COUNCIL DISTRICT 6 (four-year term)

CHRIS CATE	10,270 VOTES (47.17%)
CAROL KIM	6,880 VOTES (31.59%)
MITZ LEE	2,717 VOTES (12.48%)
JANE L. GLASSON	1,012 VOTES (4.65%)
DE LE	895 VOTES (4.11%)
Total	21,774 VOTES (100%)

Chris Cate and Carol Kim are hereby declared to be the two candidates receiving the highest number of votes and will advance to the Municipal General Election for the office of Councilmember, District No. 6.

D. FOR COUNCIL DISTRICT 8 (four-year term)

DAVID ALVAREZ	6,720 VOTES (76.43%)
LINCOLN PICKARD	2,072 VOTES (23.57%)
Total	8,792 VOTES (100%)

David Alvarez, having received a majority of all votes cast, is hereby declared elected to the office of Councilmember, District No. 8.

III

The number of votes cast in the City of San Diego for and against each of the three propositions which appeared on the ballot as Propositions A, B, and C, and the total number of votes cast upon each proposition, are as follows:

PROPOSITION A

FOR	120,656 VOTES (72.52%)
AGAINST	45,718 VOTES (27.48%)
Total	166,374 VOTES (100%)

This proposition required a majority vote. Proposition A received the affirmative vote of a majority of the qualified voters voting on such proposition and is hereby declared to have been approved.

PROPOSITION B

FOR	72,637 VOTES (42.28%)
AGAINST	99,161 VOTES (57.72%)
Total	171,798 VOTES (100%)

This proposition required a majority vote. Proposition B failed to receive the affirmative vote of a majority of the qualified voters casting votes on the proposition, and therefore Proposition B failed to be passed by the voters.

PROPOSITION C

FOR	68,677 VOTES (40.15%)
AGAINST	102,385 VOTES (59.85%)
Total	171,062 VOTES (100%)

This proposition required a majority vote. Proposition C failed to receive the affirmative vote of a majority of the qualified voters casting votes on the proposition, and therefore Proposition C failed to be passed by the voters.

IV

The number of votes cast in each precinct for and against the propositions is recorded in the Election Returns Book, which book is authorized and is considered to be a part of the record of this Council.

V

The City Clerk is directed to file the charter amendments with the California Secretary of State in accordance with California Government Code Section 34460.

VI

The City Clerk shall make public the results of the canvass of the election by publication of a copy of this resolution.

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

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS: NONE

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: N/A

Maland

Primary Contact\Phone: Elizabeth Maland\619-533-4080, MS 2A
Secondary Contact\Phone: Bonnie Stone\619-533-4060, MS 2A
City Attorney Contact: Spivak, Sharon B.

NOTE: Item 201 has been moved to the Special City Council meeting of July 14, 2014, at 6:00 p.m., and will now be Item 604.

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ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

RESOLUTIONS:

ITEM-202: FY 2011 Homeland Security Grant Program - Additional Funds Opportunity.

ITEM DESCRIPTION:

This action will authorize the City to accept additional grant funds from the Fiscal Year 2011 Homeland Security Grant Program (HSGP).

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2015-6)

Authorizing the Mayor, or his designee, to apply for, accept, and take all necessary actions to secure an additional \$2,629,285 in grant funding from the California Governor's Office of Emergency Services for the purpose of implementing the 2011 Homeland Security Grant Program (HSGP), for a total allocation of \$18,914,338;

Authorizing the Chief Financial Officer to appropriate and expend and additional amount not to exceed \$2,629,285, as well as execute all agreements necessary for the purpose of implementing the 2011 Homeland Security Grant Program, contingent upon funding being secured.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The U.S. Department of Homeland Security provides Homeland Security Grant Program (HSGP) funds through the California Governor's Office of Emergency Services, which grants them to the City of San Diego to administer for the entire San Diego Urban Area (SDUA). The HSGP enhances the City's and the region's security and public safety at no cost to the City. There is no non-federal match or cost share required for grants under the HSGP program funding sources identified for the additional funds allocated. However, these grants are reimbursable in nature, requiring the City to expend funds prior to requesting reimbursement. For this requested action, the total amount expended will not exceed \$2,629,285. Expenditures will be initially sourced from Fund 600000, and then reimbursed from the federal FY 2011 HSGP.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

San Diego Council Resolution No. 307024 on September 29, 2011, authorizing the application, acceptance, appropriation and expenditure of Homeland Security Grant Program Urban Area Security Initiative funds.

Mainar/Chadwick

Primary Contact\Phone: John Valencia\619-533-6763

Secondary Contact\Phone: Katherine Jackson\619-533-6761

City Attorney Contact: Brazier, Noah J.

ITEM-203: Linda Vista and City Heights (Mid-City) Skate Parks-Funds Appropriation. (Linda Vista and Mid-City Community Areas. Districts 7 and 9.)

ITEM DESCRIPTION:

This action is to authorize the appropriation of grant funds from the Tony Hawk Foundation (\$80,000) and the Housing-Related Parks Grants funds (up to \$6 million) to CIP No. S15008 Linda Vista Skate Park and CIP No. S15003 Mid-City Skate Park.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2014-811)

Authorizing to add CIP No. S-15008, Linda Vista Skate Park, to the Capital Improvements Program;

Authorizing the Chief Financial Officer to increase the Capital Improvements Program Budget in CIP No. S-15008 Linda Vista Skate Park and to appropriate and expend an amount not to exceed \$40,000, Fund No. 600002, Grant No. 1000427-2014, Tony Hawk Foundation Grant, for the purpose of design and construction of a skate park, contingent upon the receipt of a fully executed grant agreement;

Authorizing the Chief Financial Officer to increase the Capital Improvements Program Budget in CIP No. S-15008 Linda Vista Skate Park and to appropriate and expend an amount not to exceed \$3,000,000, Fund No. 600001, Grant No. 1000360-2013, Housing-Related Parks Funds, for the purpose of design and construction of a skate park, contingent upon the receipt of a fully executed grant agreement;

Authorizing the Chief Financial Officer to increase the Capital Improvements Program Budget in CIP No. S-15003 Mid-City Skate Park and to appropriate and expend an amount not to exceed \$40,000, Fund No. 600002, Grant No. 1000427-2014, Tony Hawk Foundation Grant, for the purpose of design and construction of a skate park, contingent upon the receipt of a fully executed grant agreement;

Authorizing the Chief Financial Officer to increase the Capital Improvements Program Budget in CIP No. S-15003 Mid-City Skate Park and to appropriate and expend an amount not to exceed \$3,000,000, Fund No. 600001, Grant No. 1000360-2013, Housing-Related Parks Funds, for the purpose of design and construction of a skate park, contingent upon the receipt of a fully executed grant agreement.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

This action will appropriate grant funds up to \$6.1 million (Tony Hawk Grant Fund No. 1000427-2014 and Housing-Related Park Grant Phase 3 Fund No. 1000360-2013) for the purpose of designing and constructing skate parks in Linda Vista and Mid-City. The acceptance of the grant funds were previously approved by the City Council via Resolutions R-308528, R-308764, and R-308765. Additionally, the City Heights (Mid City) Skate Park includes \$250,000 in the previously-approved FY15 budget. The estimated total cost to construct the Linda Vista Skate Park is \$3,040,000 and the City Heights (Mid-City) skate park is \$1,690,000 and upon approval of the design of the skate parks, staff will provide an estimate of annual operational and maintenance costs.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

On November 5, 2013, the City Council authorized City's application by R-308528 for the Housing-Related Parks Grant and on February 25, 2014, City Council approved R-308764 to increase in the application to the Housing-Related Parks Program to an amount not to exceed \$6,000,000 and approved R-308765 which authorized application to the Tony Hawk Foundation for \$80,000 in grant funds for the Linda Vista and City Heights (Mid-City) Skate Parks. Additionally, the FY15 Appropriations Ordinance included an additional budget of \$250,000 for the City Heights (Mid-City) Skate Park.

Fulton/LoMedico

Primary Contact\Phone: Brian Schoenfisch\619-533-6457, MS 413

Secondary Contact\Phone: Melissa Garcia\619-236-6173, MS 413

City Attorney Contact: Thomas, Shannon M.

ITEM-204: San Diego Police Foundation Grant for Police Officer Laptops. (Citywide.)

ITEM DESCRIPTION:

Authorize the City to receive a grant from the San Diego Police Foundation and accept, appropriate and expend funds totaling \$280,000 for the purchase of laptop computers to be used in patrol vehicles by Police Officers.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2015-5)

Authorizing the Mayor, or his designee, to accept a grant from the San Diego Police Foundation in the amount of \$280,000 for the purchase of laptop computers used in patrol vehicles by police officers;

Authorizing the Chief Financial Officer to appropriate and expend the \$280,000 in grant funds from the San Diego Police Foundation for the purpose of purchasing laptop computers used in patrol vehicles by police officers.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The Police Department will purchase police officer laptops in the amount of the \$280,000 grant awarded by the Police Foundation.

PREVIOUS COUNCILAND/OR COMMITTEE ACTION: N/A

Ramirez/Chadwick

Primary Contact\Phone: Alex Castanares\619-531-2803, MS 715
Secondary Contact\Phone: Marta Sullivan\619-531-2662, MS 715
City Attorney Contact: Peter, Linda

ADOPTION AGENDA, DISCUSSION, HEARINGS

NOTICED HEARINGS:

ITEM-205: Appeal of the Peeling Tentative Map Project No. 239065. (Peninsula Community Plan Area. District 2.)

(Continued from the meeting of March 4, 2014, Item 332, at the request of staff for further review; last continued on April 29, 2014, Item 333, at the request of Councilmember Harris, for further review.)

NOTE: Hearing Open. No Testimony Taken.

ITEM DESCRIPTION:

Appeal of the Planning Commission's decision to approve an application to subdivide three existing parcels with two existing homes into five new lots, and to construct three new single family homes. Two existing single family homes built in 1948 will remain within newly configured lots. The 0.97 acre project site is located at 3328 and 3340 Harbor View Drive within the Peninsula Community Plan Area. The project requires the approval of a Vesting Tentative Map, Coastal Development, Site Development Permit, and Neighborhood Development Permit.

TODAY'S ACTIONS ARE:

Subitem-A:

According to San Diego Municipal Code Section 112.0520(d) Power to Act on Appeal, the City Council shall consider the appeal and shall by a majority vote:

Deny the appeal, approve the environmental determination certifying the Mitigated Negative Declaration No. 239065 and adopting the Mitigation Monitoring and Reporting Program, and adopt the CEQA findings and statement of overriding considerations of the previous decision-maker, where appropriate.

OR

Grant the appeal and set aside the environmental determination, in accordance with Section 112.0520(e);

If the City Council grants the appeal, the lower-decision maker's decision to approve the project shall be held in abeyance. The City Council shall retain jurisdiction to act on the revised environmental document and associated project at a subsequent public hearing;

If the City Council denies the appeal, directing the City Clerk to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project;

Directing the City Attorney to prepare the appropriate resolutions according to Section 40 of the City Charter.

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

Subitem-B:

Granting or denying the appeal and upholding or overturning the Planning Commission's decision granting Vesting Tentative Map No. 858420, certifying the findings hereinbefore adopted, subject to conditions;

Directing the City Attorney to prepare the appropriate resolutions according to Section 40 of the City Charter.

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

Subitem-C:

Granting or denying the appeal and upholding or overturning the Planning Commission's decision granting Coastal Development Permit No. 857839, Site Development Permit No. 1191916, and Neighborhood Development Permit No. 1191918;

Directing the City Attorney to prepare the appropriate resolutions according to Section 40 of the City Charter.

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

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS: None.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: None.

Vacchi\Villa\pf

Primary Contact\Phone: PJ Fitzgerald\619-446-5107, MS 501
Secondary Contact\Phone: Sandra Teasley\619-446-5271, MS 501
City Attorney Contact: Corrine Neuffer

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

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