

**AGENDA FOR THE
SPECIAL COUNCIL MEETING OF
MONDAY, JULY 14, 2014, AT 6:00 PM
CITY ADMINISTRATION BUILDING
COUNCIL CHAMBERS – 12TH FLOOR
202 “C” STREET
SAN DIEGO, CA 92101**

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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

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

The following items will be considered in the evening session which is scheduled to begin at 6:00 p.m.

ITEM-600: Consideration of Proposed Ballot Proposition or Council Ordinance related to earned sick leave and minimum wage for employees working in the City of San Diego. (Citywide.)

ITEM DESCRIPTION:

Approve proposed ballot proposition or Council ordinance related to earned sick leave and minimum wage for employees working in the City of San Diego.

COUNCIL PRESIDENT GLORIA'S RECOMMENDATION:

Introduce the following ordinances:

Subitem-A: (O-2015-11)

Introduction of an Ordinance amending Chapter 3, of the San Diego Municipal Code by adding Article 9, Division 1, Sections 39.0101 through 39.0115, relating to the earned sick leave and minimum wage to be provided to employees working in the City of San Diego.

Subitem-B (O-2015-12)

Introduction of an Ordinance submitting to the qualified voters of the City of San Diego, at the Municipal Special Election consolidated with the California State General Election to be held on November 4, 2014, one proposition amending Chapter 3, of the San Diego Municipal Code by adding Article 9, Division 1, Sections 39.0101 through 39.0115, relating to the earned sick leave and minimum wage to be provided to employees working in the City of San Diego.

Subitem-C (O-2015-13)

Introduction of an Ordinance amending Chapter 3, of the San Diego Municipal Code by adding Article 9, Division 1, Sections 39.0101 through 39.0114, relating to the earned sick leave to be provided to employees working in the City of San Diego.

Subitem-D: (O-2014-14)

Introduction of an Ordinance amending Chapter 3, of the San Diego Municipal Code, by adding Article 9, Division 2, Sections 39.0201 through 39.0212, relating to the minimum wage to be provided to employees working in the City of San Diego.

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The San Diego City Employees Retirement System (SDCERS) actuarial study discloses the impact on the City's Defined Benefit Pension Plan of any increases in proposed compensation or benefits contained in the current Council Proposal. Pursuant to City Council Policy 000-21, if the above referenced proposal is placed on the Ballot, the Independent Budget Analyst (IBA) will prepare and submit a Fiscal Impact Analysis to the City Clerk no later than August 18, 2014. Additionally, the Committee of Economic Development and Intergovernmental Relations has requested the IBA evaluate the City's cost of enforcement/compliance with the proposed minimum wage increase.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

- On June 11, 2014, the Economic Development and Intergovernmental Relations Committee took the following action: Motion by Councilmember Emerald, second by Council President Pro Tem Lightner, to request the Council President continue to work with the City Attorney's Office on completing the ordinance language with any proposed modifications. Additionally, forward the Proposal to the full City Council on June 16, 2014, without a Committee recommendation, for Council consideration of the options of a Ballot Proposition and a Council Ordinance, and request staff to take all necessary steps to comply with the City's obligations as a public agency employer related to the proposed ordinance, including compliance with the Meyers-Milias-Brown Act and San Diego Charter Section 70.2.

VOTE: 4-1; Lightner-yea, Harris-yea, Alvarez-yea, Emerald-yea, Kersey-nay.

- On June 16, 2014, the City Council took the following action: Motion by Council President Pro Tem Lightner, second by Councilmember Emerald, to modify the proposal to set San Diego's minimum wage at \$11.50 implemented over three years every January 1, increasing to \$9.75 in January 2015, \$10.50 in January 2016, and \$11.50 in January 2017, and indexed to the Consumer Price Index (CPI) starting January 1, 2019; and approve a Resolution of the Council of the City of San Diego of its intent to place a proposition related to earned sick leave and minimum wage for employees working in San Diego on the November 2014 Ballot, or in the alternative, Council adoption of an ordinance, subject to compliance with all procedural requirements set forth in state law and the San Diego Charter and other local law, and with direction to return to the City Council for final determination.

VOTE: 1, 2, 3, 4, 8, and 9-yea; 5, 6, and 7-nay.

Keach

Primary Contact\Phone: Jamie Fox\619-236-6165
Secondary Contact\Phone: Jessica Lawrence\619-236-7787
City Attorney Contact: Dawson, Joan F.

The following items will be considered in the evening session which is scheduled to begin at 6:00 p.m.

ITEM-601: A Resolution of the Council of the City of San Diego approving and ratifying a Side Letter Agreement to the Memorandum of Understanding (MOU) between the City and Local 127 regarding Terms and Conditions of Employment for Fiscal Years 2014-2018. (Citywide.)

ITEM DESCRIPTION:

Approve the Resolution and Side Letter.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2015-18)

Approving and ratifying the Side Letter Agreement to the Memorandum of Understanding (MOU) between the City of San Diego and Local 127, which amends the MOU to allow the Council to consider the Proposed Ordinance, as specified in the Side Letter Agreement, pursuant to the authority of the Meyers-Milias-Brown Act (MMBA) and Council Policy 300-06.

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The San Diego City Employees Retirement System (SDCERS) actuarial study discloses the impact on the City's Defined Benefit Pension Plan of any increases in proposed compensation or benefits contained in the current Council Proposal.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

- On June 11, 2014, the Economic Development and Intergovernmental Relations Committee took the following action: Motion by Councilmember Emerald, second by Council President Pro Tem Lightner, to request the Council President continue to work with the City Attorney's Office on completing the ordinance language with any proposed modifications and forward the Proposal to the full City Council on June 16, 2014, without a Committee recommendation, for Council consideration of the options of a Ballot Proposition and a Council Ordinance, and request staff to take all necessary steps to comply with the City's obligations as a public agency employer related to the proposed ordinance, including compliance with the Meyers-Milias-Brown Act and San Diego Charter Section 70.2.

VOTE: 4-1; Lightner-yea, Harris-yea, Alvarez-yea, Emerald-yea, Kersey-nay.

- On June 16, 2014, the City Council took the following action: Motion by Council President Pro Tem Lightner, second by Councilmember Emerald, to modify the proposal to set San Diego's minimum wage at \$11.50 implemented over three years every January 1, increasing to \$9.75 in January 2015, \$10.50 in January 2016 and \$11.50 in January 2017, and indexed to the Consumer Price Index (CPI) starting January 1, 2019; and approve a Resolution of the Council of the City of San Diego of its intent to place a proposition related to earned sick leave and minimum wage for employees working in San Diego on the November 2014 Ballot, or in the alternative, Council adoption of an ordinance, subject to compliance with all procedural requirements set forth in state law and the San Diego Charter and other local law, and with direction to return to the City Council for final determination.

VOTE: 1,2,3,4,8, and 9-yea; 5, 6, and 7-nay.

Keach

Primary Contact\Phone: Jamie Fox\619-236-6165

Secondary Contact\Phone: Jessica Lawrence\619-236-7787

City Attorney Contact: Joan F. Dawson

The following items will be considered in the evening session which is scheduled to begin at 6:00 p.m.

ITEM-602: A Resolution of the Council of the City of San Diego approving and ratifying a Side Letter Agreement to the Memorandum of Understanding (MOU) between the City and Local 911 regarding terms and conditions of employment for Fiscal Years 2014-2018. (Citywide.)

ITEM DESCRIPTION:

Approve the Resolution and Side Letter.

COUNCIL PRESIDENT GLORIA'S RECOMMENDATION:

Adopt the following resolution:

(R-2015-20)

Approving and ratifying the Side Letter Agreement to the Memorandum of Understanding (MOU) between the City and the Teamsters, which amends the MOU to allow the Council to consider the Proposed Ordinance, as specified in the Side Letter Agreement, pursuant to the authority of the MMBA and Council Policy 300-06.

SUPPORTING INFORMATION

FISCAL CONSIDERATIONS: The San Diego City Employees Retirement System (SDCERS) actuarial study discloses the impact on the City's Defined Benefit Pension Plan of any increases in proposed compensation or benefits contained in the current Council Proposal.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

- On June 11, 2014, the Economic Development and Intergovernmental Relations Committee took the following action: Motion by Councilmember Emerald, second by Council President Pro Tem Lightner, to request the Council President continue to work with the City Attorney's Office on completing the ordinance language with any proposed modifications and forward the Proposal to the full City Council on June 16, 2014, without a Committee recommendation, for Council consideration of the options of a Ballot Proposition and a Council Ordinance, and request staff to take all necessary steps to comply with the City's obligations as a public agency employer related to the proposed ordinance, including compliance with the Meyers-Milias-Brown Act and San Diego Charter Section 70.2.

VOTE: 4-1; Lightner-yea, Harris-yea, Alvarez-yea, Emerald-yea, Kersey-nay.

- On June 16, 2014, the City Council took the following action: Motion by Council President Pro Tem Lightner, second by Councilmember Emerald, to modify the proposal to set San Diego's minimum wage at \$11.50 implemented over three years every January 1, increasing to \$9.75 in January 2015, \$10.50 in January 2016, and \$11.50 in January 2017, and indexed to the Consumer Price Index (CPI) starting January 1, 2019; and approve a Resolution of the Council of the City of San Diego of its intent to place a proposition related to earned sick leave and minimum wage for employees working in San Diego on the November 2014 Ballot, or in the alternative, Council adoption of an ordinance, subject to compliance with all procedural requirements set forth in state law and the San Diego Charter and other local law, and with direction to return to the City Council for final determination.

VOTE: 1, 2, 3, 4, 8, and 9-yea; 5, 6, and 7-nay.

Keach

Primary Contact\Phone: Jamie Fox \619-236-6165

Secondary Contact\Phone: Jessica Lawrence\619-236-7787

City Attorney Contact: Dawson, Joan F.

The following items will be considered in the evening session which is scheduled to begin at 6:00 p.m.

ITEM-603: A Resolution of the Council of the City of San Diego approving and ratifying a Side Letter Agreement to the Memorandum of Understanding (MOU) between the City and the San Diego Municipal Employees' Association (MEA) regarding terms and conditions of employment for Fiscal Years 2014-2018. (Citywide.)

ITEM DESCRIPTION:

Approve the Resolution and Side Letter.

COUNCIL PRESIDENT GLORIA'S RECOMMENDATION:

Adopt the following resolution:

(R-2015-19)

Approving and ratifying the Side Letter Agreement to the Memorandum of Understanding (MOU) between the City and the MEA, which amends the MOU to allow the Council to consider the Proposed Ordinance, as specified in the Side Letter Agreement, pursuant to the authority of the Meyers-Milias-Brown Act (MMBA) and Council Policy 300-06

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The San Diego City Employees Retirement System (SDCERS) actuarial study discloses the impact on the City's Defined Benefit Pension Plan of any increases in proposed compensation or benefits contained in the current Council Proposal.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

- On June 11, 2014, the Economic Development and Intergovernmental Relations Committee took the following action: Motion by Councilmember Emerald, second by Council President Pro Tem Lightner, to request the Council President continue to work with the City Attorney's Office on completing the ordinance language with any proposed modifications and forward the Proposal to the full City Council on June 16, 2014, without a Committee recommendation, for Council consideration of the options of a Ballot Proposition and a Council Ordinance, and request staff to take all necessary steps to comply with the City's obligations as a public agency employer related to the proposed ordinance, including compliance with the Meyers-Milias-Brown Act and San Diego Charter Section 70.2.

VOTE: 4-1; Lightner-yea, Harris-yea, Alvarez-yea, Emerald-yea, Kersey-nay.

- On June 16, 2014, the City Council took the following action: Motion by Council President Pro Tem Lightner, second by Councilmember Emerald, to modify the proposal to set San Diego's minimum wage at \$11.50 implemented over three years every January 1, increasing to \$9.75 in January 2015, \$10.50 in January 2016, and \$11.50 in January 2017, and indexed to the Consumer Price Index (CPI) starting January 1, 2019; and approve a Resolution of the Council of the City of San Diego of its intent to place a proposition related to earned sick leave and minimum wage for employees working in San Diego on the November 2014 Ballot, or in the alternative, Council adoption of an ordinance, subject to compliance with all procedural requirements set forth in state law and the San Diego Charter and other local law, and with direction to return to the City Council for final determination.

VOTE: 1, 2, 3, 4, 8, and 9-yea; 5, 6, and 7-nay.

Keach

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City Attorney Contact: Dawson, Joan F.

The following items will be considered in the evening session which is scheduled to begin at 6:00 p.m.

ITEM-604: Calling a Municipal General Election and a Municipal Special Election in the City of San Diego to be held on November 4, 2014, and consolidating elections with California State General Election. (Citywide.)

ITEM DESCRIPTION:

- A. Approve Ordinance calling a Municipal General Election in the City of San Diego on November 4, 2014.
- B. Approve Resolution requesting the Board of Supervisors to consolidate the Municipal General Election with the California State General Election to be held on November 4, 2014.
- C. Approve Ordinance calling a Municipal Special Election in the City of San Diego on November 4, 2014.
- D. Approve Resolution requesting Board of Supervisor to consolidate the Municipal Special Election with the California State General Election to be held on November 4, 2014.

CITY CLERK'S RECOMMENDATION:

Introduce and adopt the ordinances in Subitems A and C; and adopt the resolutions in Subitems B and D:

Subitem-A: (O-2014-130)

Introduction and adoption of an Ordinance declaring that it is hereby ordered that a Municipal General Election will be held in the City of San Diego on Tuesday, November 4, 2014, for the purpose of electing a candidate for the following office:

COUNCILMEMBER for District No. 6 four-year term

Requesting the Board of Supervisors of the County of San Diego to consent and agree to the consolidation of the Municipal General Election in the City of San Diego with the California State General Election to be held on Tuesday, November 4, 2014, pursuant to local procedures authorized under California Elections Code Section 10402 and the City's Elections Code. Within the City of San Diego precincts, polling places and officers of the election for the Municipal General Election shall be the same as those provided for the California State General Election;

Requesting that for the purpose of this election, the election precincts shall be the precincts established by the Board of Supervisors for the County of San Diego; provided, however, that certain precincts shall be consolidated in the manner indicated on the list of consolidated precincts on file in the Office of the City Clerk;

Requesting the Board of Supervisors for the County of San Diego, through the Registrar of Voters of the County of San Diego, is hereby authorized to canvass returns of this Municipal General Election, in compliance with San Diego County Code of Administrative Ordinances Section 439.1 and San Diego Municipal Code Section 27.0111. The Registrar of Voters shall communicate the results of the canvass to the San Diego City Clerk, who shall in turn certify the results to the Council of the City of San Diego. The City Council shall then declare the results of the Municipal General Election by Resolution;

Requesting the polls for this Municipal General Election shall be open from 7:00 a.m. on November 4, 2014, and remain open continuously until 8:00 p.m. on the same day. The polls shall close at 8:00 p.m., except as provided in California Elections Code Section 14401;

Directing the City Clerk to cause this Ordinance to be published once in the official newspaper of the City of San Diego;

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

Subitem-B: (R-2014-833)

Authorizing and requesting the Board of Supervisors of the County of San Diego to consolidate the Municipal General Election for the office of Councilmember for District 6, to be held in the City of San Diego on Tuesday, November 4, 2014, with the California State General Election to be held on the same date;

Authorizing and requesting the Board of Supervisors of the County of San Diego to canvass the returns of the Municipal General Election and is requested to conduct the election in all respects as if there were only one election using only one form of ballot;

Requesting the Board of Supervisors of the County of San Diego to issue to all officers of the County charged with duties pertaining to the California State General Election appropriate instructions to take any and all steps necessary for the holding of a consolidated election;

Requesting the Board of Supervisors of the County of San Diego to authorize and direct the Registrar of Voters of the County of San Diego to perform the following:

- (a) Furnish a tabulation of the number of registered voters in the Council district by precinct;
- (b) Examine and verify the signatures on nominating petitions;
- (c) Provide election materials in languages other than English in accordance with federal law;
- (d) Canvass the returns of the election, including absent voter ballots;

- (e) Furnish a tabulation of the number of votes given in each precinct;
- (f) Furnish a tabulation of the number of votes given in the Council district by precinct; and
- (g) Complete any and all tasks related to the legal conduct of this election as required of the City Clerk upon the request of the City Clerk or the City Council.

Directing the City Clerk of the City of San Diego to file a certified copy of this Resolution with the Board of Supervisors and Registrar of Voters of the County of San Diego;

Authorizing the City Comptroller to reimburse the County of San Diego for the actual and direct cost of the services performed by the Registrar of Voters for the City of San Diego in connection with the election services herein described, provided that the City Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Declaring that the City of San Diego agrees to indemnify and to save free and harmless the County, its officers, agents, and employees from expense or liability, including reasonable attorney fees, as the result of an election contest initiated pursuant to the California Elections Code Sections 16000 through 16900.

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

Subitem-C: (O-2014-131)

Introduction and adoption of an Ordinance ordering that a Municipal Special Election will be held in the City of San Diego on Tuesday, November 4, 2014, for the purpose of submitting to the qualified voters of the City one or more ballot propositions, if any are submitted by separate ordinances for placement on that ballot;

Declaring the propositions shall be presented and printed upon the ballot and submitted to the voters in the manner and form set out in the separate ordinances placing the propositions on the November 4, 2014, ballot;

Declaring the propositions submitted by separate ordinances for placement on the November 4, 2014, ballot, if any, shall be designated on the ballot by a letter printed on the left margin of the square containing the description of the proposition as provided in California Elections Code Section 13116;

Declaring the City propositions to be submitted to the voters at the November 4, 2014, Municipal Special Election, if any, shall appear, pursuant to San Diego Municipal Code Section 27.0507, on the ballot in the following order:

- (a) Initiative measures, including both measures placed on the ballot by petition and measures placed on the ballot by action of the City Council pursuant to San Diego

Municipal Code Section 27.1001, in the order in which the ordinances placing the initiatives on the ballot are adopted by the City Council;

- (b) Bond measures, in the order in which the ordinances placing them on the ballot are adopted by the City Council;
- (c) Charter amendments, in the order in which the ordinances placing them on the ballot are adopted by the City Council;
- (d) Other legislative measures, in the order in which the ordinances placing them on the ballot are adopted by the City Council;
- (e) Referendum measures, in the order in which the ordinances placing them on the ballot are adopted by the City Council; and
- (f) Advisory matters, in the order in which the ordinances placing them on the ballot are adopted by the City Council.

Requesting the Board of Supervisors of the County of San Diego to consent and agree to the consolidation of the Municipal Special Election in the City of San Diego with the California State General Election to be held on Tuesday, November 4, 2014, pursuant to local procedures authorized under California Elections Code Section 10402 and the City's Elections Code. Within the City of San Diego precincts, polling places and officers of the election for the Municipal Special Election shall be the same as those provided for the California State General Election;

Requesting the Board of Supervisors of the County of San Diego, through the Registrar of Voters of the County of San Diego, is hereby authorized to canvass returns of this Municipal Special Election, in compliance with the San Diego County Code of Administrative Ordinances, Section 439.1 and San Diego Municipal Code Section 27.0111. The Registrar of Voters shall communicate the results of the canvass to the San Diego City Clerk, who shall in turn certify the results to the Council of the City of San Diego. The City Council shall then declare the results of the Municipal Special Election by resolution;

Requesting since this election is to be consolidated with the California State General Election, and since the Board of Supervisors is authorized to canvass the returns of this Municipal Special Election and as only one form of ballot is authorized, the method of voting upon the propositions shall be as provided in the California Elections Code;

Requesting the polls for this Municipal Special Election shall be open from 7:00 a.m. on November 4, 2014, and remain open continuously until 8:00 p.m. on the same day. The polls shall close at 8:00 p.m., except as provided in California Elections Code Section 14401.

Certifying that the City Clerk shall cause this ordinance to be published once in the official newspaper of the City of San Diego.

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

Subitem-D: (R-2014-834)

The Board of Supervisors of the County of San Diego is hereby requested to consolidate the Municipal Special Election to be held in the City of San Diego on Tuesday, November 4, 2014, with the California State General Election to be held on the same date.

The Board of Supervisors of the County of San Diego is hereby authorized to canvass the returns of the Municipal Special Election and is requested to conduct the election in all respects as if there were only one election using only one form of ballot.

The Board of Supervisors of the County of San Diego is requested to issue to all officers of the County charged with duties pertaining to the California State General Election appropriate instructions to take any and all steps necessary for the holding of a consolidated election.

The Board of Supervisors of the County of San Diego is hereby requested to authorize and direct the Registrar of Voters of the County of San Diego to perform the following:

- (a) Furnish a tabulation of the number of registered voters in each Council district by precinct;
- (b) Examine and verify the signatures on nominating petitions;
- (c) Provide election materials in languages other than English in accordance with federal law;
- (d) Canvass the returns of the election, including absent voter ballots;
- (e) Furnish a tabulation of the number of votes given in each precinct;
- (f) Furnish a tabulation of the number of votes given in each Council district by precinct; and
- (g) Complete any and all tasks related to the legal conduct of this election as required of the City Clerk upon the request of the City Clerk or the City Council.

Directing the City Clerk of the City of San Diego to file a certified copy of this Resolution with the Board of Supervisors and Registrar of Voters of the County of San Diego.

Authorizing the City Comptroller to reimburse the County of San Diego for the actual and direct cost of the services performed by the Registrar of Voters for the City of San Diego in connection with the election services herein described, provided that the City Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

Agreeing to indemnify and to save free and harmless the County, its officers, agents, and employees from expense or liability, including reasonable attorney fees, as the result of an election contest initiated pursuant to California Elections Code Sections 16000 through 16900.

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

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

\$1,800,000 which will be paid from the General Fund in Citywide Program Expenditures (9912).

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: N/A

Maland

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