

# 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, July 21, 2014**

**2:00 p.m. and 6:00 p.m.**

**(There are no agenda items scheduled for 6:00 p.m. That portion of the meeting will be adjourned.)**

**(Rev. 7/17/14)**

**AGENDA FOR THE  
REGULAR COUNCIL MEETING OF  
MONDAY, JULY 21, 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.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS  
ORDINANCES TO BE INTRODUCED:

ITEM-200: Approval of an Economic Development Incentive Agreement with Illumina, Inc. (University Community Area. District 1.)

**ITEM DESCRIPTION:**

Authorize the Mayor to enter into an Economic Development Incentive Agreement with Illumina, Inc., to provide a sales and use tax rebate to encourage this company to retain its manufacturing operations and its taxable product sales operations with the City of San Diego.

**STAFF'S RECOMMENDATION:**

Introduce the following ordinance:

(O-2015-2 Cor. Copy) (Rev. 7/18/14)

Introduction of an Ordinance declaring that the Council finds that the retention of Illumina's manufacturing operations resulting from the financial assistance offered in the Agreement, as well as the anticipated retention and creation of important middle-wage job opportunities, the continued generation of sales and use tax revenues, and other economic public benefits, will serve public purposes and are in the best interests of the City;

Declaring that the Council finds that the retention of Illumina's manufacturing operations meets the necessary public benefit criteria enumerated in Council Policy 900-12 to therefore justify the provision of financial assistance under the Incentive Program, such as the provision of up to \$1,500,000 in local sales and use tax rebates;

Authorizing and directing the Mayor, or his designee, to execute the Agreement on the City's behalf and to take any and all actions necessary to implement the Agreement;

Authorizing the Chief Financial Officer to appropriate and expend funds, in an amount not to exceed \$1,500,000, plus three percent (3%) interest compounded annually, as required per the terms of the Agreement, contingent upon adoption of future fiscal year appropriation ordinances by the Council and the Chief Financial Officer certifying that funds are available. (Rev. 7/18/14)

**NOTE: 6 votes required pursuant to Section 99 of the City Charter.**

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

Fiscal impacts of the proposed Council Action are expected to be revenue positive. In order to retain Illumina's manufacturing and sales operations within the City, the City would forego 70% of any net sales tax revenue and 100% of any use tax revenue gains until the City has completed its payments of sales and use tax rebates of up to \$1.5 million plus three percent (3%) interest compounded annually. The interest shall accrue only on any portion of the tax rebate amount that Company has earned within any fiscal year (July 1 through June 30), and the interest shall begin accruing on July 1 of the fiscal year immediately following the fiscal year in which the Company has earned the applicable portion of the tax rebate amount. 100% of any revenue gains subsequent to the payment of the tax rebate to Illumina will accrue to the City. (Rev. 7/18/14)

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

None.

Fulton/Graham

Primary Contact\Phone: Russ Gibbon\619-236-6350

Secondary Contact\Phone: Tom Tomlinson\619-533-3187

City Attorney Contact: Skogen, Daphne Z.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS  
RESOLUTIONS:

ITEM-201: FY 2015 Statement of Budgetary Principles.

**ITEM DESCRIPTION:**

Adopt the FY 2015 Statement of Budgetary Principles.

**INDEPENDENT BUDGET ANALYST'S RECOMMENDATION:**

Adopt the following resolution:

(R-2015-25)

Adopting the State of Budgetary Principles with respect to administration by the Mayor of the Fiscal Year 2015 Budget.

**STAFF SUPPORTING INFORMATION:**

FISCAL CONSIDERATIONS: None.

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

This draft of the Statement of Budgetary Principles was reviewed on June 18, 2014, by the Committee on Budget and Government Efficiency and forwarded to City Council with a recommendation for approval.

**ACTION:** Motion by Councilmember Alvarez, second by Council President Pro Tem Lightner.

**VOTE:** 5-0; Gloria-yea, Lightner-yea, Kersey-yea, Zapf-yea, Alvarez-yea.

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 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 <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.

ITEM-253: Qualcomm Stadium and Petco Park City Suites.

The list of ticket users for the City Suites at Qualcomm Stadium and Petco Park will be posted on the City Clerk's website quarterly. This information will also be available for viewing by the public in the Office of the City Clerk.

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT