

CITY OF SAN DIEGO COUNCIL DOCKET



COUNCIL PRESIDENT

Sherry Lightner • First District

COUNCIL PRESIDENT PRO TEM

Marti Emerald • Ninth District

COUNCIL MEMBERS

Lorie Zapf • Second District
Todd Gloria • Third District
Myrtle Cole • Fourth District
Mark Kersey • Fifth District
Chris Cate • Sixth District
Scott Sherman • Seventh District
David Alvarez • Eighth District

Andrea Tevlin
Independent
Budget Analyst

Jan Goldsmith
City Attorney

Liz Maland
City Clerk

Council Chambers, 12th Floor, City Administration Building

Tuesday, January 20, 2015

**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
TUESDAY, JANUARY 20, 2015, AT 10:00 AM
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.

NOTE: The City Council will convene for a Special Council meeting at 9:00 a.m., to provide the public with the opportunity to comment on the Closed Session agenda then the Council will adjourn into Closed Session from 9:00 a.m. - 10:00 a.m. Copies of the Closed Session agenda are available in the Office of the City Clerk. The public portion of the meeting will begin at 10:00 a.m.

ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVAL OF COUNCIL MINUTES

The Council Minutes of the following meetings will be approved by Unanimous Consent unless pulled for discussion:

12/01/2014 - Adjourned
12/02/2014 - Adjourned
12/08/2014
12/09/2014

PROCLAMATIONS/CEREMONIAL ITEMS

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

ITEM-30: Kiwanis International Day.

PRESENTED BY COUNCILMEMBER COLE:

Proclaiming January 21, 2015, to be “Kiwanis International Day” in the City of San Diego.

NOTE: The following Proclamation will NOT be presented in Council Chambers. It will be approved by Unanimous Consent unless pulled for discussion.

ITEM-31: Martin Luther King, Jr. Recreation Council Day.

COUNCILMEMBER COLE'S RECOMMENDATION:

Proclaiming January 10, 2015, to be “Martin Luther King, Jr. Recreation Council Day” in the City of San Diego.

SPECIAL ORDERS OF BUSINESS

None.

ADOPTION AGENDA, CONSENT ITEMS

The Consent items listed beginning on the next page are considered to be routine, and the appropriate Environmental Impact Reports have been considered. These items are indicated on the docket by a preceding asterisk (*). Because these items may be handled quickly, if you wish to be heard submit your Request to Speak form prior to the start of the meeting.

NON-AGENDA PUBLIC COMMENT

This portion of the agenda provides an opportunity for members of the public to address the Council on items of interest within the jurisdiction of the Council. (Comments relating to items on today's docket are to be taken at the time the item is heard.)

Per Section 22.0101, Rule 2.6, of the San Diego Municipal Code, comments are limited to three minutes per speaker, and three minutes per subject regardless of the number of people requesting to speak on that subject

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 in the morning or afternoon, based on when the item was noticed to be heard.

**ADOPTION AGENDA, CONSENT ITEMS
ORDINANCES TO BE INTRODUCED:**

- * ITEM-50: Exemption of two Program Manager positions and one Program Coordinator position from the Classified Service, as approved by the Civil Service Commission on December 11, 2014.

ITEM DESCRIPTION:

Exempt two Program Manager positions and one Program Coordinator position from the Classified Service for the Ethics Commission. The first Program Manager position will be responsible for administering and implementing the Ethics Commission's Audit Program. The second Program Manager position will be responsible for administering and implementing the Ethics Commission's Investigation Program. The Program Coordinator position will be instrumental in assisting with the administration of the Ethics Commission's Education Program and overall operations, and will also review/analyze disclosure reports to identify potential violations of Governmental Ethics Laws.

STAFF'S RECOMMENDATION:

Introduce the following ordinance:

(O-2015-67)

Introduction of an Ordinance declaring that pursuant to Charter Section 117(a)(17), with the Civil Service Commission's review and approval, the City Council now exempts from the Classified Service, and declares to be in the Unclassified Service of the City, two Program Manager positions and one Program Coordinator position for the Department, performing the duties set forth in the December 16, 2014, Memorandum from Personnel Director Hadi Dehghani, to the Honorable Council President and City Council.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS: None.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: None.

Fulhorst

Primary Contact\Phone: Stacey Fulhorst\619-533-3477, MS 615E
City Attorney Contact: Dawson, Joan F.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- * ITEM-100: Application for Round Four of the Housing Related Parks Grant from the California Department of Housing and Community Development - Park De La Cruz Improvements. (City Heights Community Area. District 9.)

ITEM DESCRIPTION:

Authorization to apply for the 2014 Housing-Related Parks Grant (Round Four) Application, administered by the California Department of Housing and Community Development. Up to \$3,000,000 will be requested to make improvements to Park De La Cruz in City Heights.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2015-353)

Authorizing and directing the Mayor, or his designee, to apply for and submit to the California Department of Housing and Community Development the Housing-Related Parks (HRP) Program Application Package released December 2014, for the 2014 Designated Program Year in an amount not to exceed \$3,000,000. If the application is approved, the Mayor, or his designee, is hereby authorized and directed to enter into, execute, and deliver a Standard Agreement, in an amount not to exceed \$3,000,000, and any and all other documents required or deemed necessary or appropriate to secure the HRP Program Grant from the California Department of Housing and Community Development (HCD), and all Amendments thereto (collectively, the "HRP Grant Documents");

Authorizing the Mayor, or his designee, to execute in the name of the City, the HRP Program Application Package and the HRP Grant Documents as required by the HCD for participation in the HRP Program;

Authorizing the Chief Financial Officer to increase the Capital Improvements Program Budget in CIP S-15003 Mid-City Skate Park and to appropriate and expend an amount not to exceed \$3,000,000 from Fund No. 600001, Housing-Related Parks Round Four Grant, for the purpose of design and construction of park improvements at Park de la Cruz, contingent upon the receipt of a fully executed Grant Agreement;

Authorizing the Chief Financial Officer to establish a Special Interest-Bearing Account, if required;

Declaring that the City shall be subject to the terms and conditions specified in the Standard Agreement. Funds are to be used for allowable capital asset project expenditures to be identified in Exhibit A of the Standard Agreement. The application in full is incorporated as part of the Standard Agreement. Any and all activities funded, information provided, and timelines represented in the application are enforceable through the Standard Agreement. The City hereby agrees to use the funds for eligible capital asset(s) in the manner presented in the application as approved by HCD and in accordance with the Notice of Funding Availability (NOFA) and Program Guidelines and Application Package.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

No matching funds required. Upon approval of the design of the improvements at Park De La Cruz, staff will provide the estimated annual operational and maintenance costs.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: N/A

Tomlinson/Graham

Primary Contact\Phone: Seth Litchney\619-236-6892

City Attorney Contact: Thomas, Shannon M.

- * ITEM-101: Excusing Councilmember Emerald from the November 12, 2014, Environment Committee meeting and the Council meetings of November 17 and 18, 2014, due to illness.

COUNCIL PRESIDENT PRO TEM EMERALD'S RECOMMENDATION:

Adopt the following resolution:

(R-2015-301)

Excusing Councilmember Marti Emerald from attending the Council meetings of November 17, 2014, and November 18, 2014, and the meeting of the Committee on the Environment on November 12, 2014, due to illness.

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

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

NOTE: This item may be taken in the morning session if time permits.

ITEM-330: Amendment to San Diego Municipal Code Pertaining to the Operations of Medical Marijuana Consumer Cooperatives and Approval of Associated Permit Fee Schedule. (Citywide.)

ITEM DESCRIPTION:

Amend the existing language in San Diego Municipal Code Chapter 4 (Health and Sanitation), Article 2, Division 15, regarding Medical Marijuana Consumer Cooperatives. These provisions generally guide the operations of Medical Marijuana Consumer Cooperatives and establish an Operating Permit, (aka Public Safety Permit), process in addition to the Conditional Use Permit required by O-20356, (aka the Land Use Ordinance). The item includes the approval of a fee schedule associated with the issuance of the Operating Permit.

COUNCIL PRESIDENT PRO TEM EMERALD'S RECOMMENDATION:

Introduce the following ordinance and adopt the resolution:

Subitem-A: (O-2015-69)

Introduction of an Ordinance amending Chapter 4, Article 2, Division 15, of the San Diego Municipal Code by amending Sections 42.1502, 42.1504, 42.1505, 42.1507, and by amending and renumbering Sections 42.1508, 42.1509, 42.1510, 42.1511, 42.1512, and 42.1513, relating to Medical Marijuana Consumer Cooperatives. This ordinance amends existing regulations regarding Medical Marijuana Consumer Cooperatives to create processes relating to permit application and regulatory actions including revocation, impose a one-year limit on the permit, and amend interior signage requirements and edible packaging requirements. This ordinance also makes non-substantive organizational Amendments to the existing provisions. This ordinance does not amend the City's land use regulations relating to Medical Marijuana Consumer Cooperatives.

Subitem-B: (R-2015-359)

Approving the fee schedule for the issuance of a permit pursuant to San Diego Municipal Code Chapter 4, Article 2, Division 15.

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The Permit Fees are designed to make the enforcement of the subject San Diego Municipal Code (SDMC) Sections and the issuance of associated operating permit cost recoverable.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

- On April 27, 2011, the San Diego City Council adopted O-20043, establishing operating requirements for Medical Marijuana Consumer Cooperatives, and making changes to the regulations regarding medical marijuana patients and caregivers.

- On April 16, 2014 the Public Safety and Livable Neighborhoods Committee, heard proposed Amendments to San Diego Municipal Code Chapter 4, Article 2, Division 15 and recommended that the Municipal Code be amended, as follows:
 - 1.) Insert code language that allows the city to revoke the “public safety” permit for noncompliance, including an appeal process.

 - 2.) Require that drivers making deliveries to patient’s homes must possess a County issued medical marijuana ID card, and documentation that they are making a delivery from a permitted cooperative storefront. In addition, such deliveries must originate from the storefront, and any marijuana they are delivering must be labeled for the specific patient(s) it is being delivered to.

 - 3.) Revise Section 42.1513 to eliminate the language that the City is not responsible for the accuracy of the statements contained in required interior signs, and to eliminate any statements that the City cannot determine to be accurate.

 - 4.) Revise Section 42.1512 to have specific language regarding the warning label on the products, as on the interior signage.

 - 5.) Revise Section 42.1507(b) to read “the city shall conduct a background check...” versus “may conduct.”

 - 6.) Add that the City may, at any time, have medical marijuana tested for pesticides, mold, mildew, and/or bacteria; and make such testing available to consumers.

 - 7.) Insert language encouraging, but not requiring, cooperatives to label products for potency.

8.) Direct staff to do additional research and make policy recommendations on the use of marijuana concentrates and edibles by storefront cooperatives. The Committee also directed DSD to report back to the Public Safety and Livable Neighborhoods Committee on July 16, 2014, on the fee study, to make sure that the fees are adequate to achieve full cost recovery. On July 16, 2014, the Public Safety and Livable Neighborhoods Committee reviewed an Amendment of San Diego Municipal Code Chapter 4, Article 2, Division 15, drafted by the City Attorney's Office, as well as a proposed fee schedule for the Operating Permit. The ordinance included the changes previously recommended by the Committee, with the exception of provisions regarding the transportation of medical marijuana, because the City Attorney's Office believes those proposed changes raise concerns regarding preemption and equal protection.

The ordinance included additional changes recommended by staff, as follows:

- 1.) Permits to be issued by the City Manager;
- 2.) Permits limited to one year;
- 3.) A requirement to maintain a list of "responsible persons" and furnish on request; and
- 4.) Specific grounds for permit revocation. The Committee recommended approval of the draft ordinance and fee schedule, including delaying any move to impose additional rules on edibles and concentrates, pending the outcome of SB 1262, which would have (in part) dealt with those issues on a statewide basis. Subsequently, SB 1262 did not pass.

Flores

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Secondary Contact\Phone: Ricardo Flores\619-236-7178, MS 10A

City Attorney Contact: Thomas, Shannon M.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS
RESOLUTIONS:

ITEM-331: This item has been pulled from the docket. (Rev. 1/16/15)

ITEM-331: This item has been pulled from the docket. (Rev. 1/16/15)

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-350: Qualcomm Stadium and Petco Park City Suites. (Rev. 1/14/15)

The list of ticket users for the City Suites at Qualcomm Stadium and Petco Park will be posted in the City Clerk's website quarterly. The information will also be available for viewing by the public in the Office of the City Clerk. (Rev. 1/14/15)

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT