

CITY OF SAN DIEGO COUNCIL DOCKET



COUNCIL PRESIDENT

Sherri 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
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Monday, July 11, 2016

**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
MONDAY, JULY 11, 2016, AT 2:00 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

INVOCATION

PLEDGE OF ALLEGIANCE

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, COMMITTEE ITEMS

COMMITTEE ON BUDGET AND GOVERNMENT EFFICIENCY, ORDINANCES TO BE INTRODUCED, READY FOR DISPENSING WITH THE READING AND ADOPTION:

ITEM-150: Approve the Fiscal Year 2017 Appropriation Ordinance.

ITEM DESCRIPTION:

The Appropriation Ordinance defines the legal levels at which the Mayor and Chief Financial Officer (CFO) are allowed to control operational and capital expenditures. Pursuant to Section 71 of the Charter of the City of San Diego, the Appropriation Ordinance shall be adopted during the month of July for Operating and Capital Improvement Program (CIP) Budgets. Authorities are requested to allow for the financial transactions required to conduct the affairs of the City of San Diego throughout Fiscal Year 2017.

TODAY'S ACTION IS:

Introduce and adopt the following ordinance:

(O-2016-154)

Introduction and adoption of an Ordinance adopting the Annual Budget for Fiscal Year 2017 and Appropriating the Necessary Money to Operate the City of San Diego for Fiscal Year 2017.

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

NOTE: Today's action is the second public hearing and introduction and adoption of the Ordinance. See Item No. 3 of the Budget and Government Efficiency Committee docket of Wednesday, June 22, 2016, for the first public hearing.

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The Fiscal Year 2017 Appropriation Ordinance appropriates the Fiscal Year 2017 Adopted Budget. The Fiscal Year 2017 Adopted Budget combined operating and CIP appropriations total is \$3,387,810,263. If not passed, City departments will not have the authority to expend the appropriations set forth in the Fiscal Year 2017 Adopted Budget approved by the City Council via Resolution No. R-310506 (Attachment B) on June 13, 2016.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

This item was heard at the Budget Committee meeting on June 22, 2016.

ACTION: Motion by Councilmember Sherman, second by Councilmember Cate, to recommend Council introduce the Ordinance.

VOTE: 4-0; Gloria-yea, Cole-yea, Cate-yea, Sherman-yea.

Vespi/Lewis

Primary Contact\Phone: Matthew Vespi\619-236-6882

Secondary Contact\Phone: Adrian Del Rio\619-235-5717

City Attorney Contact: Will, Brant C.

**ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS
COMMITTEE ON RULES:**

ITEM-151: Consideration of Charter Amendments Related to Removal, Succession and Interim Authority when Vacancies occur in Elective Offices.

ITEM DESCRIPTION:

Direct the City Attorney to prepare a proposed ballot measure for November 2016, including revised Charter Sections addressing removal from office, succession of elected officials and interim authority; and reorganizing the sections along with other sections common to all elected officials in a new Article 16 - Elected Officials.

TODAY'S ACTION IS:

Take the following action:

Direct the City Attorney to prepare a proposed ballot measure for November 2016, including revised Charter Sections addressing removal from office, succession of elected officials and interim authority; and reorganizing the sections along with other sections common to all elected officials in a new Article 16 - Elected Officials.

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

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS: None.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

On June 20, 2016, the Rules Committee voted to forward to Council a revised City Attorney's June 15, 2016, Report to the Rules Committee: Draft of Charter Amendments Related to Vacancy and Removal of Elective Officers, reflecting the Committee's discussion of the Chair's attached June 20, 2016, Comments and Questions regarding the Report and the City Attorney's attached response to the Chair's Comments and Questions. (5-0-0)

Previous committee action is referenced within Executive Summary.

ACTION: Motion by Councilmember Emerald, second by Councilmember Cole, to forward to Council a revised City Attorney's June 15, 2016, Report to the Rules Committee: Draft of Charter Amendments Related to Vacancy and Removal of Elective Officers, reflecting the Committee's discussion of the Chair's attached June 20, 2016, Comments and Questions regarding the Report and the City Attorney's attached response to the Chair's Comments and Questions.

VOTE: 5-0; Lightner-yea, Cole-yea, Cate-yea, Kersey-yea, Emerald-yea.

Jurado-Sainz

Primary Contact\Phone: Steven Hadley\619-533-5906, MS 10A

Secondary Contact\Phone: Diana Jurado-Sainz\619-533-3920, MS 10A

ITEM-152: Consideration of Recommendations from the Rules Committee Regarding a Potential Ballot Measure Related to Charter Section 40: City Attorney, addressing the qualifications for office and the powers and duties of the Office of City Attorney. (Citywide.)

ITEM DESCRIPTION:

Direct the City Attorney's Office to conduct legal analysis and work with staff to prepare ballot language and the necessary ordinance to place a measure on the November 2016 ballot that would amend Charter Section 40-City Attorney or other appropriate charter sections to address the qualifications for office and the powers and duties of the Office of City Attorney.

Direct the City's labor negotiating team to meet-and-confer with the Deputy City Attorney's Association employee organization to either (1) remove reference to probationary period from the Charter and place it in the Municipal Code or (2) shorten the probationary period for Deputy City Attorneys from two years to one year within the Charter.

TODAY'S ACTION ARE:

Take the following actions:

Subitem-A:

Direct the City Attorney's Office to conduct legal analysis and work with staff to prepare ballot language and the necessary ordinance to place a measure on the November 2016 ballot that would amend Charter Section 40-City Attorney or other appropriate Charter Sections to 1) require the qualification for the City Attorney to be a member of the California State Bar in good standing with a minimum of 10 years of experience practicing law in California 2) Refer intended scope of contracts, other instruments, and procedure regarding legal opinions and other matters to the Municipal Code. 3) Subject to legal review of the "single subject rule" amend Section 40 to provide that SDCERS may have its own legal counsel independent of the City Attorney.

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

Subitem-B:

Direct the City's labor negotiating team to meet-and-confer with the Deputy City Attorney's Association employee organization to either (1) remove reference to probationary period from the Charter and place it in the Municipal Code shortening it from two years to one year or (2) shorten the probationary period for Deputy City Attorneys from two years to one year within the Charter.

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

SUPPORTING INFORMATION**FISCAL CONSIDERATIONS:**

Costs for the November 2016 ballot are not known at this time.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

This item was presented at the Rules Committee on June 20, 2016, there was a motion to forward the recommended edits as proposed in the Council President's June 16, 2016, Report to Charter Section 40: City Attorney to Council on July 11, subject to legal review, for placement on the November 2016 ballot; direct the City Attorney to work with the Council President to prepare draft language for review by the Council; and recommend the Council enter into meet and confer regarding the amendment to change the probationary period for Deputy City Attorneys from two years to one year. Second by Chair Lightner. Amended to have meet and confer include to consider moving the probationary period for Deputy City Attorneys from the Charter to the Municipal Code; request the City Attorney to conduct a "single subject rule" evaluation to determine whether clarification that the San Diego City Employee's Retirement System's Board of Administration should have its own independent legal counsel can be incorporated in further amendments to Charter Section 40; and change the phrase "form and legality" in Charter Section 280(b) to read "form or correctness."

ACTION: Motion by Councilmember Emerald, second by Chair Lightner, to forward the recommended edits to Charter Section 40: City Attorney to Council on July 11, subject to legal review, for placement on the November 2016 ballot; direct the City Attorney to work with the Council President to prepare draft language for review by the Council; and recommend the Council enter into meet and confer regarding the amendment to change the probationary period for Deputy City Attorneys from two years to one year.

Amended by Chair Lightner, accepted by Councilmember Emerald, to have meet and confer include to consider moving the probationary period for Deputy City Attorneys from the Charter to the Municipal Code; request the City Attorney conduct a "single subject rule" evaluation to determine whether clarification that the San Diego City Employee's Retirement System's Board of Administration should have its own independent legal counsel can be incorporated in further amendments to Charter Section 40; and change the phrase "form and legality" in Charter Section 280(b) to read "form or correctness."

VOTE: 5-0; Lightner-yea, Cole-yea, Cate-yea, Kersey-yea, Emerald-yea. (Rev. 7/6/16)

Jurado-Sainz

Primary Contact\Phone: Erin Demorest \619-236-6611, MS 10A

ITEM-153: Consideration of a proposed cannabis business tax ordinance for placement on the November 2016 Ballot. (Citywide.)

ITEM DESCRIPTION:

Direct the City Attorney's Office to conduct legal analysis and work with staff to prepare ballot language and the necessary ordinance to place a measure on the November 2016 ballot for a cannabis business tax ordinance.

TODAY'S ACTION IS:

Take the following action:

Direct the City Attorney's Office to conduct legal analysis and work with staff to prepare ballot language and the necessary ordinance to place a measure on the November 2016 ballot for a cannabis business tax ordinance.

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

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The cost of placing a measure on the November 2016 ballot is unknown at this time.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

Rules Committee, June 20, 2016: Motion to forward the proposed cannabis business tax ordinance to the City Council, and direct the City Attorney, Independent Budget Analyst, Chief Financial Officer's Office and relevant Council staff to bring a final proposal to the full City Council on July 11; and make the implementation of the proposed gross receipts tax contingent upon passage of the statewide Adult Use of Marijuana Act.

ACTION: Motion by Councilmember Kersey, second by Councilmember Cole, to forward the proposed cannabis business tax ordinance to the City Council, and direct the City Attorney, Independent Budget Analyst, Chief Financial Officer's Office and relevant Council staff to bring a final proposal to the full City Council on July 11; and make the implementation of the proposed gross receipts tax contingent upon passage of the statewide Adult Use of Marijuana Act.

VOTE: 4-1; Lightner-yea, Cole-yea, Kersey-yea, Emerald-yea, Cate-nay.

Vivona

Primary Contact\Phone: Patrick Bouteller\619-236-6655

Secondary Contact\Phone: Alex Vivona\619-236-6655

ITEM-154: Consideration of a Proposed Charter Amendment Ballot Measure Requiring all ballot measures be placed at General Elections.

ITEM DESCRIPTION:

Consider the proposed Charter Amendment and direct the City Attorney's Office to conduct legal analysis and work with staff to prepare an ordinance including a proposed ballot measure related to placing all ballot measures at General Elections, and to return to Council for consideration of the ordinance that would place such a matter on the November 8, 2016, General Election ballot.

TODAY'S ACTION IS:

Take the following action:

The City Attorney's Office is directed to conduct legal analysis and work with staff to prepare an ordinance including a proposed ballot measure to amend sections of the San Diego City Charter related to placing all ballot measures at General Elections, and to return to Council for consideration of the ordinance that would place such a matter on the November 8, 2016 General Election ballot.

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

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The cost to place measures on the November ballot is still unknown at this time.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

Rules Committee, June 15, 2016: Motion to ask the City Attorney to look into whether there are any legal issues with only placing ballot measures on general election ballots; to also look at bringing the Charter into conformance with state law and the state constitution regarding citizens initiatives and referendums; and return to the City Council by July 11 for review after thorough legal analysis has been conducted. (3-2)(Lightner, Cole, Emerald-yea; Kersey, Cate-nay)

ACTION: Motion by Councilmember Emerald, second by Councilmember Cole, to ask the City Attorney to look into whether there are any legal issues with only placing ballot measures on general election ballots; to also look at bringing the Charter into conformance with state law and the state constitution regarding citizens initiatives and referendums; and return to the City Council by July 11, for review after thorough legal analysis has been conducted.

VOTE: 3-2; Lightner-yea, Cole-yea, Emerald-yea, Cate-nay, Kersey-nay.

Jurado-Sainz

Primary Contact\Phone: Stevens Hadley\619-533-5906, MS 10A

Secondary Contact\Phone: Diana Juado-Sainz\619-533-3920, MS 10A

ITEM-155: Consideration of a Proposed Charter Amendment Ballot Measure Requiring a November Run-off Election for All Municipal Candidate Elections.

ITEM DESCRIPTION:

Consider the proposed Charter Amendment and direct the City Attorney's Office to conduct legal analysis and work with staff to prepare an ordinance including a proposed ballot measure to amend sections of the San Diego City Charter related to municipal candidate elections in the City of San Diego and to require a November run-off election for such elections, and to return to Council for consideration of the ordinance that would place such a matter on the November 8, 2016, General Election ballot.

TODAY'S ACTION IS:

Take the following action:

The City Attorney's Office is directed to conduct legal analysis and work with staff to prepare an ordinance including a proposed ballot measure to amend sections of the San Diego City Charter related to municipal candidate elections in the City of San Diego and to require a November run-off election for such elections, and to return to Council for consideration of the ordinance that would place such a matter on the November 8, 2016, General Election ballot.

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

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The cost to place a measure on the November ballot is still unknown at this time.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

Rules Committee, June 15, 2016: Motion to ask the City Attorney to conduct legal analysis and forward the proposal to the City Council by July 11, to ask the City Attorney to include language clarifying that if there are only one or two candidates running for a particular office, those candidates would automatically advance to the November run-off and would not need to appear on the primary election ballot. (3-2)(Lightner, Cole, Emerald-yea; Kersey, Cate-nay)

ACTION: Motion by Councilmember Emerald, second by Councilmember Cole, to ask the City Attorney to conduct legal analysis and forward the proposal to the City Council by July 11, to ask the City Attorney to include language clarifying that if there are only one or two candidates running for a particular office, those candidates would automatically advance to the November run-off and would not need to appear on the primary election ballot.

Motion amended by Chair Lightner and accepted by Councilmember Emerald and Councilmember Cole, to ask the City Attorney to include the provisions for qualifications of write-in candidates as well as qualifications of one or two candidates in the legal analysis.

VOTE: 3-2; Lightner-yea, Cole-yea, Emerald-yea, Cate-nay, Kersey-nay.

Jurado-Sainz

Primary Contact\Phone: Steven Hadley\619-533-5906, MS 10A

Secondary Contact\Phone: Diana Jurado-Sainz\619-533-3920, MS 10A

ITEM-156: Consideration of Recommendations from the Rules Committee regarding disclosure of public business conducted on private/personal devices of all employees.

ITEM DESCRIPTION

Review the draft ordinance for disclosure of public business conducted on private/personal devices of all employees, direct the City's labor negotiating team to meet-and-confer with the employee labor organizations on the draft ordinance as it would apply to represented employees, and request the City Attorney to prepare an ordinance for introduction and/or to prepare an ordinance to place the proposed measure on a ballot.

TODAY'S ACTION IS:

Take the following actions:

Review the draft ordinance for disclosure of public business conducted on private/personal devices of all employees, direct the City's labor negotiating team to meet-and-confer with the recognized employee organizations on the draft ordinance as it would apply to represented employees, and request the City Attorney to prepare an ordinance for introduction and/or to prepare an ordinance to place the proposed measure on a ballot.

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

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS: None.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

At the March 23, 2016, Rules Committee Meeting there was a motion by Council President Pro Tem Emerald to request the City Attorney to update their draft ordinance for disclosure of public business conducted on private/personal devices to apply to both classified and unclassified employees. Once the revised draft ordinance is completed and meet and confer is conducted and complete, the draft ordinance can be considered by the City Council. Request that before the Council hearing the City Clerk and Mayor's Office provide input on the length of time that the records should be maintained on personal devices so that it is consistent with the City's email and records retention policies.

Additionally, place the new ordinance on the November 2016 ballot for voter approval. Second by Councilmember Cole. (Yea: Lightner, Cole, Kersey, Cate and Emerald)

ACTION: Motion by Council President Pro Tem Emerald, second by Councilmember Cole, to request the City Attorney to update their draft ordinance for disclosure of public business conducted on private/personal devices to apply to both classified and unclassified employees. Once the revised draft ordinance is completed and meet and confer is conducted and complete, the draft ordinance can be considered by the City Council. Request that before the Council hearing the City Clerk and Mayor's Office provide input on the length of time that the records should be maintained on personal devices so that it is consistent with the City's email and records retention policies. Additionally, place the new ordinance on the November 2016 ballot for voter approval.

VOTE: 5-0; Lightner-yea, Cole-yea, Cate-yea, Kersey-yea, Emerald-yea.

Jurado-Sainz

Primary Contact\Phone: Steven Hadley\619-533-5906, MS 10A

Secondary Contact\Phone: Diana Jurado-Sainz\619-533-3920, MS 10A

City Attorney Contact: Gersten, William

ADOPTION AGENDA, DISCUSSION, COMMITTEE ITEMS
COMMITTEE ON INFRASTRUCTURE:

ITEM-157: Consideration of a potential ballot measure to extend and amend Charter Section 55.2. (Citywide.)

ITEM DESCRIPTION:

Consideration of a potential ballot measure to extend Charter Section 55.2 to preserve and prioritize capital investment in Mission Bay Park and Regional Parks for additional 30 years, provide clarifying language to expedite priority project completion and implement cash management best practices, as well as modify the disbursement formula to provide additional resources for Balboa Park and other Regional Parks.

TODAY'S ACTION IS:

Take the following action:

Consider recommendation to extend and amend Charter Section 55.2 to expedite priority projects and modify the disbursement formula, and direct the City Attorney's Office to prepare related ballot language and ordinances and return to Council for consideration after the November 8, 2016, election has been called.

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

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS: N/A

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

On June 25, 2008, Rules voted 5-0 to refer this item to the full City Council for consideration.

On July 28, 2008, City Council voted to place on the November ballot.

This item was heard at the Infrastructure Committee meeting on June 30, 2016, and forwarded to the full Council with a recommendation to approve staff's recommendation with direction to staff to include in the Charter Section language clarifying the boundaries of Mission Bay Park to include the eastern portion of Campland and the North Ocean Beach Gateway. Clarifying language will be included in the ordinance brought forward for Council approval.

ACTION: Motion by Councilmember Zapf, second by Vice-Chair Cole, to recommend Council approve staff's recommendation with direction to staff to include in the Charter Section language clarifying the boundaries of Mission Bay Park to include the eastern portion of Campland and the North Ocean Beach Gateway.

VOTE: 4-0; Kersey-yea, Cole-yea, Zapf-yea, Emerald-yea.

Anderson/Hansen

Primary Contact\Phone: Katherine Johnston\619-236-6330

Secondary Contact\Phone: Marshall Anderson\619-235-5295

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS
ORDINANCES TO BE INTRODUCED, READY FOR DISPENSING WITH THE READING
AND ADOPTION WITH RESOLUTIONS TO BE ADOPTED:

ITEM-200: Calling a Municipal General Election and a Municipal Special Election in the City of San Diego to be held on November 8, 2016, and consolidating elections with the California State General Election.

ITEM DESCRIPTION:

- A. Approve Ordinance calling a Municipal General Election in the City of San Diego on November 8, 2016.
- 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 8, 2016.
- C. Approve Ordinance calling a Municipal Special Election in the City of San Diego on November 8, 2016.
- D. Approve Resolution requesting the Board of Supervisors to consolidate the Municipal Special Election with the California State General Election to be held on November 8, 2016.

CITY CLERK'S RECOMMENATION:

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

Subitem-A: (O-2016-116)

Introduction and adoption of an Ordinance calling a Municipal General Election in the City of San Diego on Tuesday, November 8, 2016, and consolidating the Municipal General Election with the California State General Election to be held on the same date.

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

Subitem-B: (R-2016-675)

Requesting the Consolidation of a Municipal General Election to be held in the City of San Diego on Tuesday, November 8, 2016, with the California State General Election to be held on the same date.

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

Subitem-C: (O-2016-110)

Introduction and adoption of an Ordinance calling a Municipal Special Election in the City of San Diego on Tuesday, November 8, 2016, for the purpose of submitting to the qualified voters of the City one or more Ballot Propositions; and consolidating the Municipal Special Election with the California State General Election to be held on the same date.

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

Subitem-D: (R-2016-676)

Requesting the consolidation of a Municipal Special Election to be held in the City of San Diego on Tuesday, November 8, 2016, with the California State General Election to be held on the same date.

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

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

\$4,173,583 which will be paid from the General Fund in Citywide Program Expenditures (9912).

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: None.

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.

ADOPTION AGENDA, DISCUSSION, HEARINGS

NOTICED HEARINGS:

ITEM-201: Sorrento Valley FSU - Final Decision to Overrule the San Diego County Regional Airport Authority Regarding Sorrento Valley FSU and to Grant a Site Development Permit and Planned Development Permit, Project No. 411128. (Mira Mesa Community Plan Area. District 6.)

ITEM DESCRIPTION:

Final decision for the City Council to overrule the San Diego County Regional Airport Authority's determination of inconsistency for the construction of a 2,892-square foot Chick-fil-A restaurant on a 1.12-acre vacant pad area located at 9370 Scranton Road within the Mira Mesa Community Plan Area. If the overrule is approved then the City Council will need to consider action on the Site Development Permit No. 1656353 and Planned Development Permit No. 1656354 for the restaurant.

STAFF'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R 2016-703)

Adoption of a Resolution by the City Council, adopting the final decision to overrule the inconsistency determination made by the San Diego County Regional Airport Authority to allow this restaurant use in Accident Potential Zone II.

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

Subitem-B: (R-2016-699)

Adoption of a Resolution adopting the following findings with respect to Site Development Permit No. 1656353 (SDP) and Planned Development Permit No. 1656354 (PDP);

A. Site Development Permit – Section 126.0504

1. The proposed development will not adversely affect the applicable land use plan;
2. The proposed development will not be detrimental to the public health, safety, and welfare;
3. The proposed development will comply with the applicable regulations of the Land Development Code, including any allowable deviations pursuant to the Land Development Code;

B. Planned Development Permit – Section 126.0604

1. The proposed development will not adversely affect the applicable land use plan;
2. The proposed development will not be detrimental to the public health, safety, and welfare;
3. The proposed development will comply with the regulations of the Land Development Code including any proposed deviations pursuant to Section 126.0602(b)(1) that are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone; and any allowable deviations that are otherwise authorized pursuant to the Land Development Code;

Approving SDP No. 1656353 and PDP No. 1656354.

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

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

None. All costs associated with processing of this project are paid through a deposit account by the applicant.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

On April 26, 2016, the City Council voted 7-1-0 to propose a decision to overrule the San Diego County Regional Airport Authority and to set a hearing for a final decision to consider an overrule in order to allow for the proposed Chick-fil-A restaurant within the Accident Potential Zone II of the Airport Land Use Compatibility Plan for Marine Corp Air Station Miramar.

Vacchi\Graham\gg

Primary Contact\Phone: Glenn Gargas\619-446-5142, MS 501

Secondary Contact\Phone: Morris Dye\619-446-5201, MS 302

City Attorney Contact: Thomas, Shannon

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

RESOLUTIONS:

ITEM-202: Consideration of a Recommendation from the Rules Committee Regarding a Potential Ballot Measure Related to the San Diego Firehouse Bond 2016. (Citywide.) (Rev. 7/6/16)

ITEM DESCRIPTION:

Direct the City Attorney to prepare an ordinance including a proposed ballot measure for November 2016, to consider the placement of the Firehouse Bond 2016, a General Bond for \$205 Million to build additional fire stations identified in the Citygate Report and Working Group Five Year Plan, on the November 2016, ballot, and to return to Council for consideration. (Rev. 7/6/16)

TODAY'S ACTION IS:

Take the following action:

Consider the recommendations of the Rules Committee to place Firehouse Bond 2016, a General Obligation Bond for \$205 Million to build additional fire stations identified in the Citygate Report and Working Group Five Year Plan, on the November 2016 ballot.

Direct the City Attorney to prepare related ballot language and ordinances and return to Council for consideration after the November 8, 2016 election has been called. (Rev. 7/6/16)

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

Costs for the November 2016 ballot are not known at this time.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

This item was heard at the Rules Committee meeting on April 11, 2016.

ACTION: Motion by Councilmember Emerald, second by Councilmember Cole, to forward the proposed General Obligation Bond Measure to City Council for discussion and vote and request the City Attorney draft language for the Firehouse Bond to be placed on the November 2016 ballot.

VOTE: 3-2; Lightner-yea, Cole-yea, Emerald-yea, Cate-nay, Kersey-nay.

Juardo-Sainz

Primary Contact\Phone: Marti Emerald\619-236-6699, MS 10A

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 2.6.2, of the San Diego Municipal Code, comments are limited to two minutes per speaker. Speakers may not allocate their time to other speakers. If there are eight (8) or more speakers on a single issue, the maximum time allotted for that issue will be sixteen (16) minutes. Non-Agenda Comment is taken toward the end of the Monday afternoon Council 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 8, 2016 Ballot.

**SUBMISSION OF BALLOT PROPOSALS
FOR THE NOVEMBER 8, 2016 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.

Therefore, the City Clerk has established the following administrative guidelines for the November 8, 2016, election.

<u>DAY</u>	<u>DATE</u>	<u>DAYS BEFORE ELECTION</u>	<u>EVENT</u>
Tuesday	6/7/16	154	LAST DATE (5:00 p.m.) for public, departments and agencies to submit ballot proposals to City Clerk for review by Committee
Wednesday	6/15/16	146	Committee review
Monday	6/27/16	134	Council Docket (PUBLIC NOTICE) lists proposals referred by Committee
Monday - Tuesday	7/11/16 - 8/2/16	120 - 98	Council to discuss propositions, direct City Attorney to prepare ordinances placing measures on the ballot, and adopt prepared ordinances
Friday	8/12/16	88	Last day for City Clerk to file with Registrar of Voters all elections material
Monday	8/22/16	78	Impartial and Fiscal Analyses and ballot titles/summaries due to the City Clerk
Thursday	8/25/16	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: Public Examination of Election Materials.

May 18, 2016

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 8, 2016, 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 Qualification and Designations of Principal Profession or Occupation	August 3, 2016	August 13, 2016
Ordinances calling election and Ordinances placing measures on the ballot	August 15, 2016	August 25, 2016
City Attorney's impartial analysis, ballot title and summary, and Mayor/IBA/City Auditor's fiscal analysis	August 23, 2016	September 1, 2016
Ballot arguments	August 26, 2016	September 5, 2016

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 8, 2016, the City Clerk has fixed 5:00 p.m. on **Thursday, August 25, 2016**, 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 or at <http://www.sandiego.gov/city-clerk/forms/pdf/argumentsigform.pdf>.)

[San Diego Municipal Code section 27.0512](#) provides the priority for selection if more than one argument is submitted for, or against, any measure.

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: Ballot Propositions Forwarded to City Council.

The following ballot propositions have been forwarded by City Council Committees and will be heard by City Council for consideration for placement on the November 8, 2016 ballot:

1. Maximize voter participation on ballot measures by aligning local law with state law.
2. “Right to Vote in the General Election Act,” requiring the top two “vote-getters” to be on the general election ballot, regardless of the primary election percentages.
3. Consideration of an Amendment to Charter Section 40: City Attorney, addressing the qualifications for office and the powers and duties of the Office of City Attorney, including deputies.
4. Consideration of language amending Sections 23 – Initiative, Referendum and Recall, and 108 – Forfeiture of Office for Fraud and related Charter Sections to address removal from office, succession of elected officials and interim authority; and organize the sections along with other sections common to all elected officials in a new Article 16 (new 2.5).
5. Consideration of a proposed cannabis Business Tax Ordinance.

The Council is expected to consider these items for the November 8, 2016 ballot at its meeting on July 11, 2016.

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT