

CITY OF SAN DIEGO COUNCIL DOCKET



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Sherri Lightner • First District

COUNCIL PRESIDENT PRO TEM

Marti Emerald • Ninth District

COUNCILMEMBERS

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

Monday, May 23, 2016

**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
MONDAY, MAY 23, 2016, AT 2:00 PM
CITY ADMINISTRATION BUILDING
COUNCIL CHAMBERS – 12TH FLOOR
202 “C” STREET
SAN DIEGO, CA 92101**

This information will be made available in alternative formats upon request, as required by the Americans with Disabilities Act (ADA), by contacting the City Clerk at (619) 533-4000 or <mailto:cityclerk@sandiego.gov>. Requests for disability-related modifications or accommodations required to facilitate meeting participation, including requests for auxiliary aids, services or interpreters, require different lead times. 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.

OTHER LEGISLATIVE MEETINGS

A Special Meeting of the **SAN DIEGO HOUSING AUTHORITY** is scheduled to meet today in the Council Chambers. A separate agenda is published for it, and is available in the Office of the City Clerk. For more information, please contact the Housing Authority Secretary at (619) 578-7564. Internet access to the agenda is available at: <http://www.sdhc.org/Media-Center/SDHC-Meetings/Housing-Authority-Meetings/> (Rev. 5/19/16)

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.

PROCLAMATIONS/CEREMONIAL ITEMS

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

ITEM-20: Bike to Work Month.

PRESENTED BY COUNCILMEMBER GLORIA:

Proclaiming May 2016, to be "Bike to Work Month" in the City of San Diego.

ITEM-21: Asian Pacific American Heritage Month.

PRESENTED BY COUNCILMEMBER GLORIA AND COUNCILMEMBER CATE:

Proclaiming May 2016, to be "Asian Pacific American Heritage Month" in the City of San Diego.

ITEM-22: Walls of Excellence Day.

PRESENTED BY COUNCILMEMBER COLE:

Proclaiming May 23, 2016, to be "Walls of Excellence Day" in the City of San Diego.

ITEM-23: Neurofibromatosis Awareness Month.

PRESENTED BY COUNCILMEMBER ALVAREZ:

Proclaiming May 2016, to be "Neurofibromatosis Awareness Month" in the City of San Diego.

ADOPTION AGENDA, DISCUSSION, COMMITTEE ITEMS
**COMMITTEE ON ECONOMIC DEVELOPMENT AND INTERGOVERNMENTAL
RELATIONS, RESOLUTIONS:**

ITEM-150: FY 2017 San Diego Tourism Marketing District Report of Activities and Third Amendment to the TMD Agreement. (Citywide.)

ITEM DESCRIPTION:

Authorize an Amendment to the Operating Agreement with the San Diego Tourism Marketing District (SDTMD) Corporation to reduce the required Reserve Withholding in FY 2017 by \$1 million and to approve the FY 2017 Report of Activities for the San Diego Tourism Marketing District with an anticipated budget total of \$66,309,769 and authorize the Chief Financial Officer (CFO) to appropriate and expend the funds (contingent on availability) less any retention for a litigation reserve. Authorize the expenditure of fund balance from FY 2016 to process any payments for prior year activities anticipated to be received at City in FY 2017.

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2016-658)

Authorizing and directing the Mayor, or his designee, to execute the Third Amendment on behalf of the City and approving the Third Amendment;

Approving the FY 2017 Report of Activities for the San Diego Tourism Marketing District with an anticipated Budget total of \$66,309,769. This Budget figure includes anticipated TMD assessments for FY 2017 of \$38,433,257, projected carryover of \$27,843,436 from FY 2016, and projected TMD interest and penalties to be accrued in FY 2017 of \$33,076;

Authorizing the Chief Financial Officer to appropriate and expend for FY 2017 TMD activities a total of \$66,309,769, which includes anticipated TMD assessments for FY 2017 of \$38,433,257, projected carryover of \$27,843,436 from FY 2016, and projected TMD interest and penalties to be accrued in FY 2017 of \$33,076. Such appropriation and expenditure is contingent upon the Chief Financial Officer certifying that the funds necessary for expenditure are, or will be, on deposit in the City Treasury and subject to the reserves requirement of the Second Amendment, in accordance with the FY 2017 Report of Activities;

Authorizing the Chief Financial Officer to appropriate and expend the TMD Fund Balance and TMD Interest Fund Balance from FY 2016 at year end closing (less the estimated TMD assessments and TMD interest carryover of \$27,843,436 to be included with the FY 2017 Budget) for FY 2016 expenditures consistent with the approved FY 2016 Report of Activities anticipated to be processed in FY 2017. Such appropriation and expenditure is contingent upon the Chief Financial Officer certifying that the funds necessary for expenditure are, or will be, on deposit in the City Treasury and subject to the reserves requirement of the Second Amendment.

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

Pursuant to the renewed Tourism Marketing District (TMD) Resolution R-307843, approximately \$66,309,769 of TMD Assessments, interest and fund balance is projected to be available in FY 2017. These funds will be disbursed to the San Diego Tourism Marketing District (SDTMD) to implement the TMD Management Plan for FY 2017, except for those funds held: for Opportunity/Catastrophe; to recover City admin costs; and for potential claims as provided for in the Operating Agreement as amended. Depending on the timing and outcome of litigation there may be no fiscal impact to the General Fund however a reserve is being built to provide funding in the case of an adverse outcome.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

The TMD was renewed by Council on November 26, 2012, by Resolution R-307843. Council approved a five-year TMD Agreement by Resolutions R-307844, R-308062 and then amended that Agreement by Resolutions R-308065 (April 23, 2013) and R-308588 (December 9, 2013).

The FY 2017 Report of Activities was heard at the Economic Development and Intergovernmental Relations Committee meeting on April 28, 2016.

ACTION: Motion by Councilmember Alvarez, second by Councilmember Cole, to forward the item to Council without a recommendation. The Committee also requested either an update in Closed Session or an update via memo from the Office of the City Attorney regarding TMD-related litigation.

VOTE: 3-0; Cole-yea, Cate-yea, Alvarez-yea, Kersey-not present.

Caldwell/Graham

Primary Contact\Phone: Meredith Dibden Brown\619-236-6485, MS 56D
City Attorney Contact: Wander, Adam R.

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

ITEM-200: Proposed Amendment to the San Diego Municipal Code to prohibit the manufacture, sale, distribution, and possession of Federal Schedule I Drugs, Novel Synthetic Drugs, and Novel Psychoactive Drugs.

ITEM DESCRIPTION:

Approve an ordinance to amend San Diego Municipal Code Chapter 5, Article 2, of the San Diego Municipal Code by adding Division 33, titled Prohibiting the Manufacturing, Sale, Distribution, and Possession of Federal Schedule I Drugs, Novel Synthetic Drugs and Novel Psychoactive Drugs.

STAFF'S RECOMMENDATION:

Introduce the following ordinance:

(O-2016-125)

Introduction of an Ordinance amending Chapter 5, Article 2, of the San Diego Municipal Code by adding a New Division 33, Titled Prohibiting the Manufacturing, Sale, Distribution, and Possession of Federal Schedule I Drugs, Novel Synthetic Drugs, and Novel Psychoactive Drugs.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

There are no fiscal considerations.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: N/A

Ramirez/Chadwick

Primary Contact\Phone: Matt Novak, Lieutenant\619-531-2784, MS 756
Secondary Contact\Phone: Brian Ahearn, Captain\619-531-2339, MS 756
City Attorney Contact: Garland, Michelle A.

ADOPTION AGENDA, DISCUSSION, HEARINGS

NOTICED HEARINGS:

ITEM-201: Woodman Court Tentative Map-Planned Development Permit, Project No. 435473.
(Skyline-Paradise Hills Community Plan Area. District 4.)

ITEM DESCRIPTION:

The 2.9-acre project site is located at 345 Woodman Street on the east side of Woodman Street, south of Skyline Drive. The project proposes to subdivide a vacant 2.9-acre site into 24 lots to accommodate the construction of 20 new single-family dwelling units (and four non-buildable lots to be used for open space and the new private street), and the vacation of two existing easements on the project site (including portions of an existing storm drain and sewer utility easement, and a general utility easement). The project includes a Tentative Map (TM), Easement Vacation and a Planned Development Permit (PDP) for deviations to the development regulations of the RS-1-Zone. The project incorporates eight deviations.

STAFF'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2016-605)

Adoption of a Resolution adopting the findings with respect to Tentative Map No. 1531480, which are supported by the minutes, maps, and exhibits, all of which are herein incorporated by reference;

Vacating portions of an existing storm drain and sewer utility easement and a general utility easement located within the project boundaries as shown in Tentative Map No. 1531480, contingent upon the recordation of the approved Final Map for the project;

Granting Tentative Map No. 1531480 to INFILL DEVELOPMENT LLC, subject to the attached conditions, which are made a part of this Resolution by this reference.

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

Subitem-B: (R-2016-606)

Adoption of a Resolution adopting the findings with respect to Planned Development Permit No. 1523467, which are supported by the minutes, maps, and exhibits, all of which are herein incorporated by reference;

Granting Planned Development Permit No. 1523467 to INFILL DEVELOPMENT, LLC, Owner/Permittee, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

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

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

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

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: None with this action.

Vacchi/Graham/dj

Primary Contact\Phone: Derrick Johnson\619-446-5477, MS 501

Secondary Contact\Phone: Paul Godwin\619-446-5910, MS 501

City Attorney Contact: Lintvedt, Inga

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: 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-251: 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-252: 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.

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT