

#5400-A
(O-2019-6) 7/30/18

ORDINANCE NUMBER O- 20966 (NEW SERIES)

DATE OF FINAL PASSAGE JUL 30 2018

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 6, 2018, ONE MEASURE TITLED "SAN DIEGO RIVER PARK AND SOCCER CITY INITIATIVE."

WHEREAS, on April 24, 2017, a citizens' initiative petition titled, "San Diego River Park and Soccer City Initiative" (the initiative petition or initiative), was filed with the City Clerk on behalf of the initiative petition's proponent C. April Boling; and

WHEREAS, the initiative contemplates the development of 233 acres of City-owned real property, which includes SDCCU Stadium, and 20 acres of City-owned real property located at 4020 Murphy Canyon Road, through the following actions: execution of a lease to a qualified lessee, as defined in the initiative; approval of a development agreement; rezoning of the Property; amendments to the San Diego Municipal Code (Municipal Code), the General Plan, the Mission Valley and Kearny Mesa Community Plans, and the Mission Valley Planned District Ordinance; and adoption of a specific plan; and

WHEREAS, the City Clerk accepted the initiative petition as filed and submitted the initiative petition to the San Diego County Registrar of Voters (Registrar of Voters) for signature verification; and

WHEREAS, the Registrar of Voters conducted a legally required verification and, on May 22, 2017, found the initiative to contain the valid signatures of more than ten percent of the City's registered voters at the last general election, sufficient under Charter section 23 to qualify the initiative for direct submission to the voters; and

WHEREAS, on May 22, 2017, the City Clerk certified that the signatures on the petition were sufficient to qualify the initiative for consideration for adoption or submittal to the voters; and

WHEREAS, on June 6, 2017, in compliance with Municipal Code section 27.1027, the City Clerk presented the initiative, with its certification attached, to the Council of the City of San Diego (Council); and

WHEREAS, on June 19, 2017, in compliance with Municipal Code sections 27.1034 and 27.1035, the Council considered the petition and whether to: (1) grant the initiative petition and adopt its provisions in full; or (2) adopt a resolution of intention to submit the matter to the voters at a special election, and direct the City Attorney to prepare an ordinance calling a special election to place the matter on the ballot; and

WHEREAS, the Council decided not to adopt the initiative petition in full, and instead adopted a resolution of intention to submit the matter to the voters; and

WHEREAS, Charter section 23 directs that initiative measures that qualify for the ballot “shall be submitted to the electorate at a Municipal Special Election consolidated with the next City-wide Municipal General Election ballot on which the measures legally can be placed, or at a City-wide Municipal Special Election held prior to that general election”; and

WHEREAS, on July 17, 2018, the City Council adopted Ordinance O-20963, calling a Municipal Special Election in the City of San Diego for November 6, 2018, for the purpose of submitting one or more ballot measures to the City’s qualified voters; and

WHEREAS, the Council now desires to submit the initiative measure referenced in this Ordinance to the voters at the Municipal Special Election to be held November 6, 2018; and

WHEREAS, the Council’s action to submit the qualified initiative measure to the voters is a ministerial act within the Council’s purview, is related to elections, and therefore the action

is not subject to mayoral veto and will take effect upon passage by the Council, under Charter sections 275(c), 280(a)(1), 295(b) and 295(d); NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. One citizens' initiative measure, titled by the proponent as the "San Diego River Park and Soccer City Initiative," is hereby submitted to the qualified voters at the Municipal Special Election to be held November 6, 2018, and consolidated with the California State General Election to be held on the same date, with the measure to read as set forth in Exhibit A.

MEASURE

(The complete text of the measure is attached to this Ordinance as Exhibit A, and incorporated by reference here, and will be provided to the San Diego County Registrar of Voters in a separate document.)

END OF MEASURE

Section 2. The measure shall be presented and printed upon the ballot and submitted to the voters in the manner and form set out in Section 3 of this ordinance.

Section 3. On the ballot to be used at this Municipal Special Election, in addition to any other matters required by law, there shall be printed substantially the following:

MEASURE ____ . MISSION VALLEY STADIUM - SOCCER CITY INITIATIVE: Shall the City lease Mission Valley stadium property and the San Diego Chargers practice facility on Murphy Canyon Road to a private party for 99 years, with an option to buy some stadium property, consistent with price, terms, and conditions described in the measure; and adopt a specific plan and agreement allowing development of stadium, river park, recreational, residential, office, hotel, retail, and other uses; and amend related land use laws?	YES	
	NO	

Section 4. An appropriate mark placed in the voting square after the word “Yes” shall be counted in favor of the adoption of this measure. An appropriate mark placed in the voting square after the word “No” shall be counted against the adoption of the measure.

Section 5. Passage of this measure requires the affirmative vote of a majority of those qualified electors voting on the matter at the Municipal Special Election.

Section 6. The City Clerk shall cause this ordinance or a digest of this ordinance to be published once in the official newspaper following this ordinance’s adoption by the City Council.

Section 7. In compliance with San Diego Municipal Code section 27.0402, this measure will be available for public examination for no fewer than ten 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 measure to be amended or deleted. The examination period will end on the day that is 75 days prior to the date set for the election. The Clerk shall post notice of the specific dates that the examination period will run.


Section 8. A full reading of this ordinance is dispensed with prior to its passage, a written or printed copy having been available to the City Council and the public prior to the day of its passage.

Section 9. This ordinance placing a qualified initiative measure on the ballot is a ministerial act within the Council’s purview and related to elections, and thus not subject to

mayoral veto under Charter section 280(a)(1); as such, it may be passed by the City Council on the date of introduction pursuant to Charter sections 275(c), 295(b), and 295(d).

APPROVED: MARA W. ELLIOTT, City Attorney

By

A handwritten signature in black ink, appearing to read "Leslie A. Fitzgerald", written over a horizontal line.

Leslie A. Fitzgerald
Senior Chief Deputy City Attorney

LAF:SBS

Or.Dept: City Clerk

07/23/18

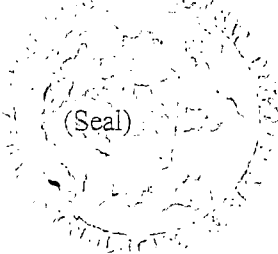
Doc. No.: 1789941

Passed by the Council of The City of San Diego on JUL 30 2018, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Ward	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgette Gomez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage JUL 30 2018

AUTHENTICATED BY:



(Seal)

KEVIN L. FAULCONER

Mayor of The City of San Diego, California.

ELIZABETH S. MALAND

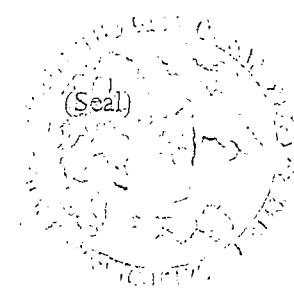
City Clerk of The City of San Diego, California.

By Linda Brewin, Deputy

I HEREBY CERTIFY that the foregoing ordinance was passed on the day of its introduction, to wit, on

JUL 30 2018, said ordinance being of the kind and character authorized for passage on its introduction by Section 295 of the Charter.

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.



(Seal)

ELIZABETH S. MALAND

City Clerk of The City of San Diego, California.

By Linda Brewin, Deputy

Office of the City Clerk, San Diego, California

Ordinance Number O- 20966