

CITY OF SAN DIEGO COUNCIL AGENDA



COUNCIL PRESIDENT

Sean Elo-Rivera • Ninth District

COUNCIL PRESIDENT PRO TEM

Joe LaCava • First District

COUNCILMEMBERS

Jennifer Campbell • Second District

Stephen Whitburn • Third District

Henry L. Foster III • Fourth District

Marni von Wilpert • Fifth District

Kent Lee • Sixth District

Raul A. Campillo • Seventh District

Vivian Moreno • Eighth District

Charles Modica
Independent
Budget Analyst

Mara W. Elliott
City Attorney

Diana J.S. Fuentes
City Clerk

City Administration Building
City Council Chambers- 12th Floor
202 C Street San Diego, CA 92101

Virtual Participation: <https://sandiego.zoomgov.com/j/1607807743>
To join by telephone: Dial 1-669-254 5252 + input Webinar ID: 160 780 7743

MONDAY, MAY 13, 2024, AT 10:00 AM and 2:00 PM

FURTHER INFORMATION ON HOW TO PARTICIPATE IN THIS MEETING IS FOUND AT THE END OF THE AGENDA

Joining the Webinar and Offering Phone-in Testimony

Members of the public may participate in City Council meetings in person or virtually using the Zoom Webinar platform. Members of the public can offer public comment on agenda items or during Non-Agenda Public Comment by accessing the meeting online using a desktop computer, laptop, tablet, or Smartphone, or by calling into the meeting using a Smartphone, cellular phone, or land line. **To raise your hand via a phone-in please press *9 and unmute when the Clerk calls on you by pressing *6.** If you are participating via the webinar platform please press the raise your hand icon and the unmute button when prompted.

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LATE-ARRIVING MATERIALS

Pursuant to the Brown Act, California Government Code Section 54957.5(b), 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, Information Services Counter in the Lobby 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 "Late Arriving Materials" 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.

REQUESTS FOR ACCESSIBILITY MODIFICATIONS OR ACCOMMODATIONS

As required by the Americans with Disabilities Act (ADA), requests for agenda information to be made available in alternative formats, and any requests for disability-related modifications or accommodations required to facilitate meeting participation, including requests for alternatives to observing meetings and offering public comment as noted above, may be made by contacting the City Clerk at (619) 533-4000 or <mailto:cityclerk@sandiego.gov>. The City is committed to resolving accessibility requests swiftly in order to maximize accessibility.

Requests for translation services to offer public comment may be made by contacting the City Clerk at (619) 533-4000 or email to: cityclerk@sandiego.gov. The City is committed to addressing language translation requests swiftly in order to maximize public participation. [For more information on how to participate and comment on an issue at Council meetings, click this link.](#)

Las solicitudes de servicios de traducción para ofrecer comentarios públicos se deberán hacer poniéndose en contacto con la City Clerk al (619) 533-4000 o por correo electrónico a: cityclerk@sandiego.gov. La ciudad se compromete a responder rápidamente a las solicitudes de traducción de idiomas con el fin de maximizar la participación del público. [Para obtener más información sobre cómo participar y expresar comentarios sobre un asunto en las juntas del Concejo, haga clic en este enlace.](#)

Upang kayo ay matulungan na maisalin sa wikang Ingles ang inyong mga puna, mungkahi, o komento para sa Bayan ng San Diego, maaari pong makipag-ugnayan sa City Clerk sa telepono (619-533-4000) o email (cityclerk@sandiego.gov). Hangad ng Pamahalaang Bayan ng San Diego ang inyong pakikilahok sa usapang pambayan at handa itong magbigay ng agarang tulong na kinakailangan sa pagsasaling-wika ng inyong mga komento. [Para sa higit pang impormasyon tungkol sa kung paano sumali at magbigay ng komento sa item sa mga pagpupulong ng Konseho, mangyaring i-click ang sumusunod na link.](#)

Cần dịch vụ thông dịch để phát biểu ý kiến trước công chúng, xin hãy liên hệ với City Clerk (Thư Ký Thành Phố) theo số (619) 533-4000 hoặc email đến cityclerk@sandiego.gov. Thành phố cam kết sẽ giải quyết các yêu cầu thông dịch một cách nhanh chóng để gia tăng sự tham dự của công chúng. [Để biết thêm thông tin về cách tham gia và đưa ra ý kiến về một mục tại các cuộc họp của Hội đồng, xin vui lòng nhấp vào liên kết dưới đây.](#)

يمكن تقديم طلبات خدمات الترجمة لتقديم تعليقات عامة عن طريق الاتصال بكاتب المدينة على (619) 533-4000 أو [mailto: cityclerk@sandiego.gov](mailto:cityclerk@sandiego.gov) تلتزم المدينة بمعالجة طلبات الترجمة اللغوية بسرعة من أجل زيادة المشاركة العامة [لمزيد من المعلومات حول كيفية المشاركة والتعليق على أي موضوع في اجتماعات المجلس، يرجى الضغط على الرابط التالي](#)

パブリックコメントを要求するための翻訳サービス依頼は、市の書記（電話：619-533-4000またはメール：<mailto:cityclerk@sandiego.gov>）に連絡することによって行うことができます。市は、市民の参加を最大化するために、言語翻訳の依頼に対応することに取り組んでいます。審議会の参加方法や議案への意見提供方法についての詳細は、以下のリンクをクリックしてください。

샌디에고 시에 의견을 보내시기 위해 번역 서비스가 필요하시면 시 서기 사무실 (619) 533-4000 또는 <mailto:cityclerk@sandiego.gov>로 연락주시기 바랍니다. 시는 대중의 참여를 극대화하기 위해 언어 번역 요청을 신속하게 처리하려고 최선을 다하고 있습니다. [시의회 회의에 참여하는 것과 안건 항목에 대해 의견을 제의하는 것에 관한 자세한 정보를 원하시면 다음의 링크를 클릭하십시오.](#)

為了鼓勵更多市民參與 '公眾意見'，市政府設定了快捷的中文翻譯服務。如果你有任何關於 '公開意見' 想發表，請致電: (619) 533-4000，或電郵 cityclerk@sandiego.gov 我們會為你翻譯。 [有关如何参加市议会会议并就项目发表意见的更多信息，请点击以下链接。](#)

“ການຮ້ອງຂໍບໍລິການນາຍແປພາສາເພື່ອສະເໜີຄໍາຄິດເຫັນຕໍ່ສາທາລະນະອາດສາມາດເຮັດໄດ້ໂດຍການຕິດຕໍ່ຫາ City Clerk ທີ່ (619) 533-4000 ຫຼືສົ່ງອີເມວຫາ: cityclerk@sandiego.gov. City ມີຄວາມມຸ່ງມັ້ນທີ່ຈະແກ້ໄຂຄໍາຮ້ອງຂໍໃຫ້ແປພາສາຢ່າງໄວເພື່ອໃຫ້ປະຊາຊົນມີສ່ວນຮ່ວມສູງສຸດ.”
[ສໍາລັບຂໍ້ມູນເພີ່ມເຕີມກ່ຽວກັບວິທີການເຂົ້າຮ່ວມ ແລະ ສະແດງຄໍາຄິດເຫັນກ່ຽວກັບລາຍການການປະຊຸມສະພາ ກະລຸນາກົດລົງຄໍາຕໍ່ໄປນີ້](#)

NOTICE: THE CITY COUNCIL MAY TAKE ANY ACTION WITH RESPECT TO THE ITEMS INCLUDED ON THIS AGENDA. RECOMMENDATIONS MADE BY STAFF DO NOT LIMIT ACTIONS THAT THE CITY COUNCIL MAY TAKE. MEMBERS OF THE PUBLIC SHOULD NOT RELY UPON THE RECOMMENDATIONS OF STAFF AS DETERMINATIVE OF THE ACTION THE CITY COUNCIL MAY TAKE ON A PARTICULAR MATTER.

MONDAY, MAY 13, 2024 AT 10:00 AM

ROLL CALL

INVOCATION

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT ON CLOSED SESSION

PLEASE NOTE: Non-Agenda Public Comment will only be taken during the afternoon portion of the agenda at the conclusion of all informational/discussion items

CLOSED SESSION PUBLIC COMMENT IS TAKEN DURING THE 10 AM MORNING PORTION OF THE AGENDA. THE COUNCIL ADJOURNS INTO CLOSED SESSION AT THE CONCLUSION OF THE CLOSED SESSION PUBLIC COMMENT AND RESUMES THE PUBLIC PORTION OF THE MEETING AT 2 PM.

MONDAY, MAY 13, 2024 AT 2:00 PM

ROLL CALL

NON-AGENDA COMMUNICATIONS FROM MAYOR, COUNCIL, INDEPENDENT BUDGET ANALYST, CITY CLERK, CITY ATTORNEY

REQUESTS FOR CONTINUANCE BY COUNCILMEMBERS

ADOPTION AGENDA, DISCUSSION ITEMS

ADOPTION AGENDA

DISCUSSION, ORDINANCES TO BE INTRODUCED WITH RESOLUTIONS TO BE ADOPTED:

Item 200: Public EV Charging Contract Award to True Upside Consulting LLC and Creation of EV Charging Program Fund.

This item will be considered in the afternoon session which is scheduled to begin at 2:00 p.m.

Total Estimated Cost of Proposed Action and Funding Source:

There are no immediate cost associated with this action. This action includes the creation of a new interest-bearing account, the EV Charging Program Fund, to which all revenues received under this contract will be allocated. The Contract also includes provisions for the purchase of the electrical infrastructure at a depreciated rate installed during the term of the contract, subject to appropriation by the Council at that time. The not to exceed value of this purchase is \$60 million.

Council District(s) Affected: Citywide.

Proposed Actions:

Subitem-A: (R-2024-488)

Resolution determining that the award of an Electric Vehicle Charging Equipment Site Concession Agreement to True Upside Consulting LLC is an activity consistent with the Final Environmental Impact Report for the City of San Diego Climate Action Plan (Project No. 416603/SCH No. 2015021053) certified by the City Council on July 19, 2016 as amended and in compliance with Public Resources Code section 21116 and California Environmental Quality Act Guidelines section 15162.

Subitem-B: (O-2024-101)

Introduction of an Ordinance to authorizing the award of an Electric Vehicle Charging Equipment Site Concession Agreement to True Upside Consulting, LLC.

Subitem-B: 6 votes required pursuant to Charter Section 99.

Committee Actions Taken:

This item was heard at the Environment Committee meeting on March 14, 2024.

ACTION: Motion by Committee Member Campbell, second by Chair LaCava, to move to Council for Discussion without recommendation.

VOTE: 3-0; LaCava-yea, Campbell-yea, von Wilpert-yea.

Sustainability and Mobility: Heather Werner, (858) 492-5082

City Attorney Contact: Frederick M. Ortlieb

ADOPTION AGENDA

DISCUSSION, RESOLUTIONS TO BE ADOPTED:

Item 201: Confirming the Appointment of the Chief of Police for the City of San Diego, Assuming Office on June 7, 2024.

This item will be considered in the afternoon session which is scheduled to begin at 2:00 p.m.

Total Estimated Cost of Proposed Action and Funding Source: N/A

Council District(s) Affected: Citywide.

Proposed Actions: (Rev. 5/8/24)

(R-2024-534)

Resolution confirming the appointment of Scott Wahl to the position of Chief of Police for the City of San Diego, effective June 7, 2024, in accordance with San Diego Charter section 57 and Council Policy 300-08, and waiving portions of the Council Policy.

Committee Actions Taken:

This item was heard at the Committee of the Whole meeting on April 29, 2024.

ACTION: Motion by Councilmember von Wilpert, second by Councilmember Campillo, to recommend Council confirmation of the Mayor's appointment of Scott Wahl as Police Chief, accept the staff report and forward it to the Council, and waive the following three requirements in Council Policy 300-08:

- (a) Selection Criteria C in Attachment A, in accordance with the law;
- (b) that the Committee report its findings and recommendations to the Council within one week; and
- (c) that the confirmation hearing before the Council occur within one week after the Council receives the Committee of the Whole's recommendations.

VOTE: 8-1; Elo-Rivera-yea, LaCava-yea, Campbell-yea, Whitburn-yea, von Wilpert-yea, Lee-yea, Campillo-yea, Moreno-yea, Foster III-nay.

Office of the Mayor: Chloe Madison, (619) 236-6213
City Attorney Contact: Jean Jordan

ADOPTION AGENDA

DISCUSSION, NOTICED HEARINGS:

Item 202: **FY2025 Business Improvement District Budgets - Annual Appropriation Process.**

This item will be considered in the afternoon session which is scheduled to begin at 2:00 p.m.

Total Estimated Cost of Proposed Action and Funding Source:

The City does not plan to retain any of the assessments and undertakes the associated administration with existing budgeted staff. All of the anticipated BID assessments are remitted to the BID funds and therefore, there are no net fiscal impact to the general fund. Please see the included City Attorney memo from April 2014 about risks associated with the levy of BID assessments and Prop 26.

Council District(s) Affected: 1, 2, 3, 4, 8, 9.

Proposed Actions:

(R-2024-447)

Resolution confirming the Fiscal Year 2025 budget reports for and levying annual assessments in specified parking and business improvement areas.

Committee Actions Taken:

This item was heard at the Economic Development and Intergovernmental Relations Committee meeting on March 13, 2024.

ACTION: Motion by Chair Campillo, second by Committee Member Campbell, to recommend Council approval of staff's proposed actions.

VOTE: 3-0; Campillo-yea, Lee-yea, Campbell-yea.

Economic Development: Christina Bibler, (619) 236-6421

City Attorney Contact: Marguerite Middaugh

Item 203: Repeal of Measure E Amending the People's Ordinance and Associated Amendments to the San Diego Municipal Code and Local Coastal Program.

This item will be considered in the afternoon session which is scheduled to begin at 2:00 p.m.

Total Estimated Cost of Proposed Action and Funding Source:

There is no City expenditure being approved with this action.

Council District(s) Affected: 2.

Proposed Actions:

This action seeks City Council approval of an ordinance to repeal Measure E approved in the Municipal Election held on November 3, 2020. Measure E amended the People's Ordinance O-10960 and San Diego Municipal Code Section 132.0505 to exclude the Midway-Pacific Highway Community Plan Area from the 30-foot height limit on buildings in the Coastal Height Limit Overlay Zone, as defined in Ordinance O-10960.

(O-2024-104)

Introduction of an Ordinance amending Chapter 13, Article 2, Division 5 of the San Diego Municipal Code by amending Section 132.0505, relating to the Coastal Height Limit Overlay Zone.

Committee Actions Taken: N/A

Planning: Corey Funk, (619) 533-3945

City Attorney Contact: Corrine Neuffer

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 will be taken at the time the item is heard.)

PUBLIC NOTICES

Items are listed under Public Notices 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 5, 2024 Ballot.



**SUBMISSION OF BALLOT PROPOSALS
FOR THE NOVEMBER 5, 2024 BALLOT**

City Council Policy 000-21 establishes a procedure for submittal of ballot proposals, other processes -including citizen initiatives- may come before the City Council for consideration at other times. The Council Policy states that members of the public, Councilmembers, the Mayor or mayoral departments, independent department directors, or a public agency **shall submit proposals to the City Clerk**, who shall then transmit them promptly to Committee for review and comment. **Please submit all proposals to cityclerk@sandiego.gov.** The City Clerk's Office has established the following calendar for the November 5, 2024 election.

<u>DATE</u>	<u>DAYS BEFORE ELECTION</u>	<u>EVENT</u>
Friday, March 29, 2024	221	LAST DATE (5:00 p.m.) for public, departments and agencies to submit ballot proposals to City Clerk for review by Committee
Thursday, April 18, 2024	201	Initial Committee review Measures that advance from initial review proceed to a second Committee review, where the Committee will decide if they will be presented to the full Council for consideration

Wednesday, June 5, 2024	153	Measures that advance from initial review proceed to a second Committee review, where the Committee will decide if they will be presented to the full Council for consideration.
Monday, June 10, 2024	148	First Day Council discusses measures and adopts ordinances by City Attorney to place measures on the ballot
Friday, August 9, 2024	88	Last Day Council discusses measures and adopts ordinances by City Attorney to place measures on the ballot
Monday, August 12, 2024	85	Last day to submit the Fiscal Impact Analysis; Ballot and Title Summary; and Impartial Analysis with City Clerk
Wednesday, August 14, 2024	83	Last day to file ballot arguments with City Clerk

Please check posted agendas for additional information.

If you have questions, please contact the Office of the City Clerk at (619) 533-4000 or via e-mail at cityclerk@sandiego.gov

Item : 251 Ballot Proposals Forwarded

PUBLIC NOTICE

Ballot Proposals Forwarded

The following ballot proposals have been referred from the Rules Committee to a second or further hearing for consideration for placement on a future ballot as noted. The Rules Committee will be meeting June 5, 2024 to review these measures referred for an additional hearing.

Proposal	Target Ballot
General Purpose and Use (sales) Tax	November 2024
Amendments to City Charter Regarding Redistricting	November 2024
Dedicated Revenue for Stormwater Infrastructure and Disaster Response	November 2024
Amendments to the City Charter Regarding the Ethics Commission	November 2024
Amendments to City Charter Regarding the Election Process for Members of the Board of Education	November 2024

NON-AGENDA ITEMS

REPORT OUT FROM CLOSED SESSION

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT

HOW TO SPEAK TO A PARTICULAR ITEM OR DURING NON-AGENDA PUBLIC COMMENT:

Members of the public shall be given the opportunity to address the Council. The Council President may reduce the amount of time available to each speaker to appropriately manage the meeting and ensure the Council has time to consider all the agenda items. A member of the public may only provide one comment per agenda item.

Pursuant to the Levine Act (Gov't Code Section 84308), any party to a permit, license, contract (other than competitively bid, labor or personal employment contracts) or other entitlement before the Council is required to disclose on the record any contribution, including aggregated contributions, of more than \$250 made by the party or the party's agents within the preceding 12 months to any Council Member. Participants and agents are requested to make this disclosure as well. The disclosure must include the name of the party or participant and any other person making the contribution, the name of the recipient, the amount of the contribution, and the date the contribution was made.

In-Person Comment on Agenda Items

Each speaker must file a written request (speaker slip) with the City Clerk at the meeting at which the speaker wishes to speak indicating which item they wish to speak on. Speaker slips may not be turned in prior to the day of the meeting or after completion of in-person testimony. In person testimony will conclude before virtual testimony begins.

Each person who wishes to address the Council shall approach the podium and state who they are representing if they represent an organization or another person.

Each speaker may speak up to three minutes, subject to the Council President's determination of the time available for meeting management purposes, in addition to any time ceded by other members of the public who are present at the meeting and have submitted a speaker slip ceding them time. These speaker slips should be submitted together at one time to the City Clerk. The Council President may also limit organized group presentations of five or more persons to 15 minutes or less.

Virtual Public Comment on Agenda Items

Members of the public may participate virtually (by telephone or internet streaming) as indicated below. Speakers who wish to provide virtual public comment must enter the virtual queue by raising their virtual hands before the queue closes. The queue will close when the last virtual speaker finishes speaking or five minutes after in-person testimony ends, whichever happens first.

Each speaker may speak up to three minutes, subject to the Council President's determination of the time available for meeting management purposes. Speakers participating virtually may not allocate their time to other speakers and may not share video or visual aids (i.e. pdf, ppt, docs) during their comment period.

Quasi-Judicial Items. Organized group presentations for quasi-judicial items will be allowed up to 15 minutes per side to speak either for or against an item for a total of 30 minutes. If more than one group on the same side requests an organized presentation, the 15 minutes will be divided between each group for that side. Please contact the Project Manager as listed as the primary contact on the staff report for that item to indicate your desire to present.

Non-Agenda Public Comment

Every agenda for a regular Council meeting shall provide a period on the agenda for members of the public to address the Council on items of interest to the public that are not on the agenda but are within the jurisdiction of the Council. Non-Agenda Public Comment shall be subject to the exercise of the Council President's discretion for a given agenda.

In order to ensure that the Council has time to consider all agenda items, Non-Agenda Public Comment on particular issues and for each individual speaker will be as follows:

Each speaker will be limited to two minutes. Speakers may not allocate their time to other speakers. If there are eight or more speakers on a single issue, the maximum time for the issue will be 16 minutes. The order of speaking generally will be determined on a first-come, first-served basis, however, priority may be given to speakers who have not addressed the legislative body during Non-Agenda Public Comment at the last regularly scheduled Council meeting. A member of the public may only provide one non-agenda comment per agenda.

If providing comment in person, please submit your speaker slip and any visual aids to the City Clerk. In-person testimony shall conclude before virtual testimony begins.

Speakers who wish to provide virtual Non-Agenda Public Comment must enter the virtual queue by raising their virtual hands before the queue closes. The queue will close when the last virtual speaker finishes speaking or five minutes after in-person testimony ends, whichever happens first. Those participating virtually may not share video or visual aids (i.e. pdf, ppt, docs) during their non-agenda comment period.

Please note: On Mondays, Non-Agenda Public Comment is taken during the 2pm session after all discussion items are complete. On Tuesday's non-agenda public comment is taken during the 10am session.

Comment on Agenda Items, Non-Agenda Public Comment, and Closed Session Public Comment may also be submitted using the [webform](#) indicating the comment type and item number (if relevant) for which you wish to submit your comment. Comments received by 8:00 AM the day of the meeting will be distributed to the City Council and posted online with the meeting materials. All webform comments are limited to 500 words but may include attachments. Comments received after 8:00 AM the day of the meeting but before the item is called will be submitted into the written record for the relevant item.

Written Materials. Instead of submitting written materials as an attachment to the webform you may submit via U.S. Mail to the City Clerk's attention at 202 C Street, MS2A San Diego, CA 92101. Materials submitted via U.S. Mail must be received one business day prior to the meeting to be distributed to the City Council. Comments received via U.S. Mail on the day of the meeting will be submitted into the written record for the relevant item.

The public may view the meetings on public television (within the City of San Diego only) on City TV Channel 24 for Cox Communications and Spectrum or Channel 99 for AT&T U-Verse, or [view the meetings online \(link is external\)](#)