

# CITY OF SAN DIEGO COUNCIL AGENDA



## COUNCIL PRESIDENT

**Georgette Gómez • Ninth District**

## COUNCIL PRESIDENT PRO TEM

**Barbara Bry • First District**

## COUNCILMEMBERS

**Jennifer Campbell • Second District**  
**Christopher Ward • Third District**  
**Monica Montgomery • Fourth District**  
**Mark Kersey • Fifth District**  
**Chris Cate • Sixth District**  
**Scott Sherman • Seventh District**  
**Vivian Moreno • Eighth District**

**Andrea Tevlin**  
**Independent**  
**Budget Analyst**

**Mara W. Elliott**  
**City Attorney**

**Elizabeth Maland**  
**City Clerk**

**Council Chambers, 12<sup>th</sup> Floor, City Administration Building**

**Tuesday, July 23, 2019**

**AGENDA FOR THE  
REGULAR COUNCIL MEETING OF  
TUESDAY, JULY 23, 2019, AT 10:00 AM  
CITY ADMINISTRATION BUILDING  
COUNCIL CHAMBERS – 12<sup>TH</sup> FLOOR  
202 “C” STREET  
SAN DIEGO, CA 92101**

**ALTERNATE FORMATS**

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.

**SENATE BILL 343 (LATE-ARRIVING MATERIALS)**

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 meet in Closed Session this morning at 11:00 a.m. Public comment on Closed Session items will occur toward the end of the 10:00 a.m. session before Council adjourns into Closed Session. Copies of the Closed Session agenda are available in the Office of the City Clerk.

**ROLL CALL**

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF COUNCIL MINUTES**

06/17/2019

06/18/2019

06/24/2019

06/25/2019

07/01/2019 - Adjourned

07/02/2019 - Adjourned

**ADOPTION AGENDA, CONSENT ITEMS**

The Consent items listed are considered to be routine, and the environmental documents have been considered. 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.

ADOPTION AGENDA

CONSENT, ORDINANCES TO BE INTRODUCED:

**Item 50: Exemption of thirty-two (32) positions in the City of San Diego from the Classified Service.**

Total Estimated Cost of Proposed Action and Funding Source:

These thirty-two (32) positions were approved in the Fiscal Year 2020 Adopted Budget.

Council District(s) Affected: Citywide.

Proposed Actions:

Subitem-A: (O-2020-12)

Introduction of an Ordinance exempting one Program Coordinator position in the Department of Sustainability from the Classified Service.

Subitem-B: (O-2020-13)

Introduction of an Ordinance exempting one Assistant Deputy Director position in the Economic Development Department from the Classified Service.

Subitem-C: (O-2020-14)

Introduction of an Ordinance exempting one Program Coordinator position in the Parks and Recreation Department from the Classified Service.

Subitem-D: (O-2020-15)

Introduction of an Ordinance exempting one Program Coordinator position in the Performance and Analytics Department from the Classified Service.

Subitem-E: (O-2020-16)

Introduction of an Ordinance exempting one Program Manager position in the Real Estate Assets Department from the Classified Service.

Subitem-F: (O-2020-17)

Introduction of an Ordinance exempting one Program Coordinator position in the Risk Management Department from the Classified Service.

Subitem-G: (O-2020-18)

Introduction of an Ordinance exempting two Program Coordinator positions in the Department of Finance from the Classified Service.

Subitem-H: (O-2020-19)

Introduction of an Ordinance exempting two Program Manager positions in the Human Resources Department from the Classified Service.

Subitem-I: (O-2020-20)

Introduction of an Ordinance exempting three Program Coordinator positions in the Department of Information Technology from the Classified Service.

Subitem-J: (O-2020-21)

Introduction of an Ordinance exempting one Deputy Director position, one Assistant Deputy Director position, and three Program Manager positions in the Smart and Sustainable Communities Branch from the Classified Service.

Subitem-K: (O-2020-22)

Introduction of an Ordinance exempting one Assistant Deputy Chief Operating Officer position, two Assistant Deputy Director positions, five Program Manager positions, and six Program Coordinator positions in the Public Utilities Department from the Classified Service.

Committee Actions Taken: N/A

*Department of Finance: Sally Rubi, (619) 236-7024*

*City Attorney Contact: Miguel Merrell*

**Item 51: Request to Exempt One Program Manager and One Program Coordinator in the Council Administration Division from the Classified Service.**

Total Estimated Cost of Proposed Action and Funding Source:

Funding for these positions was approved in the FY20 Budget by the City Council on June 10, 2019.

Council District(s) Affected: Citywide.

Proposed Actions:

(O-2020-28)

Introduction of an Ordinance authorizing the exemption of one Program Manager position and one Program Coordinator position in the City's Council Administration Division from the Classified Service, based on advisory review and favorable comment by the Civil Service Commission on July 11, 2019. This Action is brought under San Diego Charter Section 117(a)(17).

Committee Actions Taken: N/A

*Council President's Office: Dominika Bukalova, (619) 236-6699*  
*City Attorney Contact: Miguel Merrell*

ADOPTION AGENDA

CONSENT, ORDINANCES TO BE ADOPTED:

**Item 52: Proposed Amendments to Rules Governing Lobbyist Disclosure of Activity Expenses.**

Total Estimated Cost of Proposed Action and Funding Source:

Per City Clerk, approximately \$5,000 to update electronic filing system. Funding source unknown.

Council District(s) Affected: Citywide.

Proposed Actions:

Adopt the following ordinance which was introduced on 7/9/2019, Item 330. (Council voted 9-0):

(O-2019-148)

Ordinance Amending the City of San Diego Municipal Lobbying Ordinance.

Committee Actions Taken: N/A

*Ethics Commission: Stacey Fulhorst, (619) 533-3477*  
*City Attorney Contact: Sharon Spivak*

ADOPTION AGENDA

CONSENT, RESOLUTIONS TO BE ADOPTED:

**Item 100: Approval of the Award of Contract No.10089500-19-K to Burke, Williams & Sorensen, LLP, for Labor Negotiations Services.**

Total Estimated Cost of Proposed Action and Funding Source:

Please see Fiscal Consideration section of Staff Report.

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2020-21)

Resolution authorizing an Agreement with Burke, Williams & Sorensen, LLP, for as-needed labor negotiation services, for an initial term of three years, with the option to extend the Agreement for two additional one-year periods, in an amount not-to-exceed \$2,000,000.

Committee Actions Taken: N/A

*Human Resources: Abby Jarl-Veltz, (619) 236-6314*

*City Attorney Contact: Miguel Merrell*

**Item 101: As-Needed Environmental Planning Support Services Consultant Agreement with Dudek.**

Total Estimated Cost of Proposed Action and Funding Source:

The maximum Agreement cost will not exceed \$5,000,000 over the five-year term. Funding for tasks will be provided by the Capital Improvement Program (CIP) projects requiring these services.

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2019-717)

Resolution authorizing an Agreement with Dudek for as-needed Environmental Planning Services, in an amount not-to-exceed \$5,000,000 over five years, and related funding actions.

Committee Actions Taken:

This item was heard at the Active Transportation and Infrastructure Committee meeting on June 19, 2019.

ACTION: Motion by Councilmember Moreno, second by Councilmember Cate, to recommend Council approval of staff's proposed action.

VOTE: 4-0; Kersey-yea, Ward-yea, Cate-yea, Moreno-yea.

*Public Works: Alex Garcia, (858) 627-3287*

*City Attorney Contact: Mark Mercer*

**Item 102: As-Needed Environmental Planning Support Services Consultant Agreement with ICF Jones & Stokes, Inc.**

Total Estimated Cost of Proposed Action and Funding Source:

The maximum Agreement cost for the five-year term will not exceed \$5,000,000. Funding for tasks will be provided by the CIP projects requiring these services.

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2019-718)

Resolution authorizing an Agreement with ICF Jones & Stokes, Inc., for as-needed Environmental Planning Services, in an amount not-to-exceed \$5,000,000 over 5 years, and related funding actions.

Committee Actions Taken:

This item was heard at the Active Transportation and Infrastructure Committee meeting of June 19, 2019.

ACTION: Motion by Councilmember Moreno, second by Councilmember Cate, to recommend Council approval of staff's proposed action.

VOTE: 4-0; Kersey-yea, Ward-yea, Cate-yea, Moreno-yea.

*Public Works: Alex Garcia, (858) 627-3287*

*City Attorney Contact: Mark Mercer*



**Item 103: Settlement of the personal injury complaint of Jose Antunes v. COSD, et al., Case No. 37-2017-00020380-CU-PO-CTL. Claim No. 13870.**

Total Estimated Cost of Proposed Action and Funding Source:

Settlement amount of \$75,000 will be paid from the Public Liability Fund.

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2019-724)

Resolution authorizing the settlement of Jose Antunes v. COSD, et al., San Diego Superior Court Case No. 37-2017-00020380-CU-PO-CTL, for personal injuries related to a bicycle accident that occurred as a result of an alleged dangerous condition on El Camino Real at Arroyo Sorrento Road on June 22, 2016. Claim No. 13870.

Committee Actions Taken: N/A

*Office of the City Attorney: Seetal Tejura, (619) 235-5856*

**Item 104: Settlement of Michael A. DiSenso, et al. v. City of San Diego, et al., San Diego Superior Court Case No. 37-2016-00042403-CU-PA-CTL. Claim No. 13277.**

Total Estimated Cost of Proposed Action and Funding Source:

Settlement amount of \$2,900,000 will be paid from the Public Liability Fund.

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2019-720)

Resolution authorizing the settlement of Michael A. DiSenso, et al. v. City of San Diego, et al., San Diego Superior Court Case No. 37-2016-00042403-CU-PA-CTL, for personal injuries arising from a claim of alleged motor vehicle negligence. Claim No. 13277.

Committee Actions Taken: N/A

*Office of the City Attorney: Casey Sweda, (619) 533-5872*

**Item 105: Settlement of Jazmin Garcia v. City of San Diego et al. San Diego Superior Court Case No. 37-2018-00003006-CU-OE-CTL, Claim No. 18191.**

Total Estimated Cost of Proposed Action and Funding Source:

Settlement amount of \$350,000 will be paid from the Public Liability Fund.

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2019-715)

Resolution authorizing the settlement of Jazmin Garcia v. City of San Diego, San Diego Superior Court Case No. 37-2018-00003006-CU-OE-CTL, for alleged sexual harassment, retaliation, and failure to prevent sexual harassment. Claim No. 18191.

Committee Actions Taken: N/A

*Office of the City Attorney: Michael McGowan, (619) 236-7730*

**Item 106: Settlement of Murtaza Baxamusa, San Diego County Building & Construction Trades Council, AFL-CIO v. Civic San Diego, City of San Diego; Superior Court Case No. 37-2015-00012092-CU-PT-CTL. Risk File No. 11201.**

Total Estimated Cost of Proposed Action and Funding Source:

Settlement amount of \$700,000 will be paid from the Public Liability Fund.

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2019-712)

Resolution authorizing the settlement of Murtaza Baxamusa, San Diego County Building & Construction Trades Council, AFL-CIO v. Civic San Diego, City of San Diego, San Diego Superior Court Case No. 37-2015-00012092-CU-PT-CTL (Baxamusa et al.), for alleged failure to properly manage its delegation of land use permitting and planning functions to Civic San Diego since 2012. Claim No. 11201.

Committee Actions Taken: N/A

*Office of the City Attorney: M. Travis Phelps, (619) 533-6370*

**PROCLAMATIONS/CEREMONIAL ITEMS (NOT PRESENTED IN CHAMBERS)**

**Item 30: San Diego Continuing Education Day.**

COUNCIL PRESIDENT GÓMEZ'S AND COUNCILMEMBER MONTGOMERY'S RECOMMENDATION:

Proclaiming August 28, 2019, to be "San Diego Continuing Education Day" in the City of San Diego.

**Item 31: National Internship Day.**

COUNCILMEMBER MONTGOMERY'S RECOMMENDATION:

Proclaiming July 25, 2019, to be "National Internship Day" in the City of San Diego.

**SPECIAL ORDERS OF BUSINESS**

None.

**ITEMS PULLED FROM THE CONSENT AGENDA**

**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 (2) 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 Public Comment is limited to 30 minutes during the Tuesday morning Council session. Any remaining speakers will be given an opportunity to speak after Council concludes the remaining agenda items for that day. Speaker order will generally be decided on a first-come, first-served basis. However, in the event that there are more than fifteen (15) Non-Agenda Public Comment speakers on a particular Tuesday, priority may be given to those speakers who did not speak during Non-Agenda Public Comment at the most recent prior Council meeting.

**MAYOR, COUNCIL, CITY ATTORNEY, INDEPENDENT BUDGET ANALYST, CITY CLERK  
COMMENT**

**UPDATES ON PENDING LEGISLATION (MAYOR'S OFFICE)**

**REQUESTS FOR CONTINUANCE BY COUNCILMEMBERS**

**ADOPTION AGENDA, DISCUSSION ITEMS**

ADOPTION AGENDA

DISCUSSION, RESOLUTIONS TO BE ADOPTED:

**Item 330: TransNet Local Street and Roads Program - 2018 Regional Transportation Improvement Program (RTIP) Amendment.**

**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 cost associated with this action.

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2019-722)

Resolution to amend the 2018 Regional Transportation Improvement Program (RTIP) and Five-Year Program of Projects for Fiscal Year 2020 through Fiscal Year 2024, in compliance with San Diego Association of Governments (SANDAG) Board Policy No. 31.

Committee Actions Taken:

This item was heard at the Active Transportation and Infrastructure Committee meeting on June 19, 2019.

ACTION: Motion by Vice Chair Ward, second by Councilmember Cate, to recommend Council approval of staff's proposed action.

VOTE: 4-0; Kersey-yea, Ward-yea, Cate-yea, Moreno-yea.

*Transportation & Storm Water: Benjamin Battaglia, (619) 533-3717*

*City Attorney Contact: Ryan P. Gerrity*

**Item 331: Sale of City-owned property at 415 Euclid Ave, San Diego, CA 92114 to County of San Diego.**

**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: 4.

Proposed Actions:

Subitem-A: (R-2019-727)

Resolution authorizing the City's sale of approximately .621 acres of real property located at 415 Euclid Avenue, San Diego, CA 92114 to the County of San Diego and related actions.

Subitem-B: (R-2019-728)

Resolution determining that the City's sale of approximately .621 acres of real property located at 415 Euclid Avenue, San Diego, CA 92114 to the County of San Diego and related actions is exempt from the California Environmental Quality Act pursuant to Section 15312 of the CEQA Guidelines.

Committee Actions Taken:

This item was heard at the Land Use and Housing Committee meeting on June 12, 2019.

**ACTION:** Motion by Chair Moreno, second by Councilmember Sherman, to recommend Council approval of staff's proposed actions.

**VOTE:** 4-0; Moreno-yea, Campbell-yea, Ward-yea, Sherman-yea.

*Real Estate Assets: Mary Carlson, (619) 236-6079*

*City Attorney Contact: Melissa Ables*

ADOPTION AGENDA

DISCUSSION, NOTICED HEARINGS:

**Item 332: 12th Update (Phase One) to the City's 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 are no City expenditures being approved with this action. Costs associated with implementation of the regulations will be borne by future project applicants.

Council District(s) Affected: Citywide.

Proposed Actions:

Subitem-A: (O-2020-2 Cor. Copy)

An ordinance of the City Council codifying amendments to the City's Land Development Code addressing Process Two appeal hearings, interim ground floor residential uses, supplemental neighborhood development permit regulations, environmental document distribution and availability, impact fees for financing public facilities, parking lot orientation, companion units, private clubs, lodges, fraternal organizations, permanent supportive housing, transitional housing facilities, required public improvements, Old Town San Diego Planned District sign regulations, density bonus, lot design requirements for tentative maps, street light improvements, uses permitted with a special permit (hotel/motel/timeshares), City facilities, Centre City Base Zones, the definition of active commercial uses, the definition of lot sizes, requirements for active commercial uses, employment overlay zones, requirements for previously conforming uses, alcohol and non-bona-fide eating establishments, off-site alcoholic beverage sales, floor area ratio (FAR) regulations, ballpark district signs, living unit standards, planting and irrigation requirements, brush management, limited exceptions from environmentally sensitive lands regulations, and various minor corrections.

Subitem-B: (O-2020-3)

An ordinance of the City Council of San Diego codifying an amendment to the City's Land Development Code addressing withdrawal procedures for appeals to the City Council from a decision by the Historical Resources Board.

Subitem-C: (O-2020-4)

An ordinance of the City Council increasing the fee for appeals to the City Council for extensions of time for map waivers and extensions of time for development permits from \$100 to \$1,000.

Subitem-D: (O-2020-6 Cor. Copy)

An ordinance of the City Council codifying amendments to the City's Land Development Code addressing wireless communications facilities.

Subitem-E: (R-2019-726)

Resolution of the City Council amending the Land Development Manual to add Appendix R: City of San Diego Wireless Communication Facilities Guidelines.

Committee Actions Taken:

This item was heard at the Land Use and Housing Committee meeting on June 12, 2019.

ACTION: Motion by Chair Moreno second by Councilmember Campbell, to recommend Council approval of staff's proposed action with a request for an analysis from department staff and the City Attorney regarding the ability of the city to provide courtesy notices to local community planning groups regarding projects affected by zoning amendments 11 and 13.

VOTE: 4-0; Moreno-yea, Ward-yea, Campbell-yea, Sherman-yea.

*Planning: Edith Gutierrez, (619) 236-6521*

*City Attorney Contact: Noah Brazier*

**NON-AGENDA ITEMS**

**REPORT OUT FROM CLOSED SESSION**

**ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES**

**ADJOURNMENT**