

REVISED

# 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, August 06, 2019

**AGENDA FOR THE  
REGULAR COUNCIL MEETING OF  
TUESDAY, AUGUST 06, 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**

07/15/2019

07/16/2019

**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: Request to Exempt One Program Manager Position in the Planning Department from Classified Service.**

Total Estimated Cost of Proposed Action and Funding Source:

No fiscal impact. Position was approved through the FY20 Budget development process.

Council District(s) Affected: Citywide.

Proposed Actions:

(O-2020-33)

Introduction of an Ordinance authorizing the exemption of one Program Manager position in the City's Planning Department from the Classified Service, based on advisory review and favorable comment by the Civil Service Commission on July 11, 2019. This Program Manager position will be responsible for overseeing, developing, and managing a new Civic

Engagement and Community Outreach program. This Action is brought under San Diego Charter Section 117(a)(17).

Committee Actions Taken: N/A

*Planning: Mike Hansen, (619) 236-6057*

*City Attorney Contact: Miguel Merrell*

**Item 51: Fourth Amendment to the 2007 San Diego Regional Storm Water Copermittees Memorandum of Understanding.**

Total Estimated Cost of Proposed Action and Funding Source:

The City's share of these costs under the Fourth Amendment are not-to-exceed \$10,465,685 for the five-year term of the MOU, which will be funded through the Transportation and Storm Water Department, Storm Water Division General Fund.

Council District(s) Affected: Citywide.

Proposed Actions:

(O-2020-32)

Introduction of an Ordinance authorizing the Mayor, or his designee, to execute the Fourth Amendment to the 2007 San Diego Regional Storm Water Copermittees Memorandum of Understanding with other regional jurisdictions, extending the Memorandum of Understanding through August 2024, in connection with regional watershed storm water pollution prevention activities.

**6 votes required pursuant to Charter Section 99.**

Committee Actions Taken:

This item was heard at the Environment Committee meeting on July 18, 2019.

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

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

*Transportation & Storm Water: David Wells, (858) 541-4339*

*City Attorney Contact: Davin Widgerow*

**Item 52: An Ordinance exempting one Program Manager position and one Assistant Deputy Director position in the Public Works Department from the Classified Service.**

Total Estimated Cost of Proposed Action and Funding Source:

The Program Manager's projected annual cost, including salaries and fringe benefits, is approximately \$231,705. The Assistant Deputy Director's projected annual cost, including salaries and fringe benefits, is approximately \$246,690. The budget for these positions was approved in the FY 2020 Adopted Budget and will be funded by the Engineering and Capital Projects Fund.

Council District(s) Affected: Citywide.

Proposed Actions:

(O-2020-31)

Introduction of an Ordinance authorizing the exemption of one Assistant Deputy Director position and one Program Manager position in the City's Public Works Department from the Classified Service, based on advisory review and favorable comment by the Civil Service Commission on July 11, 2019. The Assistant Deputy Director position will oversee the administration of major Capital Improvement Programs (CIP). The Program Manager position will provide oversight of the City's CIP Budget. This Action is brought under San Diego Charter Section 117(a)(17).

Committee Actions Taken: N/A

*Public Works: James Nagelvoort, (619) 533-5100*

*City Attorney Contact: Miguel Merrell*

**Item 53: Exempt One Program Manager Position in the Human Resources Department from the Classified Service.**

Total Estimated Cost of Proposed Action and Funding Source:

This action will authorize the exemption of one Program Manager from the Classified Service. The new unclassified Program Manager's annual cost, including salaries and fringe benefits, total approximately \$198,391 in the General Fund. The estimated cost for FY20 is projected to be \$167,869.31. Projected savings in personnel expenditures, due to vacancies, will offset the cost of this position add.

Council District(s) Affected: Citywide.

Proposed Actions:

(O-2020-34)

Introduction of an Ordinance authorizing the exemption of one Program Manager position in the City's Human Resources Department from the Classified Service, based on advisory review and favorable comment by the Civil Service Commission on July 11, 2019. This Program Manager position will be responsible for serving as liaison to all City departments by providing guidance and policy advice on labor and employment issues. This Action is brought under San Diego Charter Section 117(a)(17).

Committee Actions Taken: N/A

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

*City Attorney Contact: Miguel Merrell*

**Item 54: Ordinance to Authorize Agreement between the City of San Diego and Unified San Diego County Emergency Services Organization (UNIFIED) for Hazardous Materials Incident Response Team Services.**

Total Estimated Cost of Proposed Action and Funding Source:

This program will be funded by the General Fund. The Third Amendment will increase the Contract amount by \$2,259,239 for a total contract amount of \$8,025,935 through June 30, 2021, which is fully reimbursable by UNIFIED. The increased contract amount is subject to review and future increase in the Fourth Amendment, during the Fourth Option Period.

Council District(s) Affected: Citywide.

Proposed Actions:

(O-2020-36)

Introduction of an Ordinance authorizing the Mayor, or his designee, to ratify the Second Amendment and authorize the Third and Fourth Amendments to the Agreement with Unified San Diego County Emergency Services Organization for Hazardous Materials Incident Response Team services, extending the Agreement through June 30, 2023.

**6 votes required pursuant to Charter Section 99.**

Committee Actions Taken:

This item was heard at the Public Safety and Livable Neighborhoods Committee meeting on July 24, 2019.

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

VOTE: 4-0; Montgomery-yea, Bry-yea, Cate-yea, Moreno-yea.

*Fire-Rescue: Christopher Webber, Assistant Fire Chief, (619) 533-4401  
City Attorney Contact: Laura M. DePoister*

ADOPTION AGENDA

CONSENT, ORDINANCES TO BE ADOPTED:

**Item 55: Proposed Amendments to the Rules of Council.**

Total Estimated Cost of Proposed Action and Funding Source:

There is no cost associated with this action.

Council District(s) Affected: Citywide.

Proposed Actions:

Adopt the following ordinance which was amended by interlineation by council action at the time of introduction on July 22, 2019, Item 200.  
(Council voted 9-0):

(O-2020-27 Cor. Copy)

Ordinance amending Chapter 2, Article 2, Division 1 of the San Diego Municipal Code by amending Section 22.0101, relating to the Rules of Council.

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

Committee Actions Taken: N/A

*Council District 9: Ruth Martin, (619) 533-3982  
City Attorney Contact: Dugard, Prescilla*

**Item 56: 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:

Adopt the following ordinances which were introduced on July 23, 2019, Item 50, Subitems A, B, C, D, E, F, G, H, I, J, and K. (Council voted 8-0, Council President Pro Tem Bry-not present):

Subitem-A: (O-2020-12)

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

Subitem-B: (O-2020-13)

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

Subitem-C: (O-2020-14)

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

Subitem-D: (O-2020-15)

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

Subitem-E: (O-2020-16)

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

Subitem-F: (O-2020-17)

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



Subitem-G: (O-2020-18)

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

Subitem-H: (O-2020-19)

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

Subitem-I: (O-2020-20)

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

Subitem-J: (O-2020-21)

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)

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 57: 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:

Adopt the following ordinance which was introduced on 7/23/2019, Item 51. (Council voted 8-0, Council President Pro Tem Bry-not present):

(O-2020-28)

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*

**Item 58: 12th Update (Phase One) to the City's Municipal Code and Local Coastal Program.**

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:

Adopt the following ordinance which was amended by interlineation by council action at the time of introduction, Item 332, Subitem A on 7/23/2019; adopt the following ordinances which were introduced, Item 332, Subitems B and C. (Council voted 9-0.); and adopt the following ordinance which was introduced, Item 332, Subitems D on 7/23/19. (Council voted 7-1, Councilmember Campbell-nay, Councilmember Kersey-recused.)

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

Ordinance 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)

Ordinance 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)

Ordinance 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)

Ordinance codifying amendments to the City's Land Development Code addressing wireless communications facilities.

Committee Actions Taken: N/A

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

*City Attorney Contact: Noah Brazier*

## ADOPTION AGENDA

CONSENT, RESOLUTIONS TO BE ADOPTED:

### **Item 100: Third and Fourth Options to the Contract with Rotorcraft Support, Inc.**

#### Total Estimated Cost of Proposed Action and Funding Source:

The third and fourth options are projected to increase the total Contract by an additional \$1,100,000 in Fiscal Year 2020 and \$1,100,000 in Fiscal Year 2021, for a total Contract amount not-to-exceed \$5,200,000. These

incremental costs will be absorbed within the department's annual General Fund Operating Budget.

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2020-75)

A Resolution authorizing options three and four to the Agreement with Rotorcraft Support, Inc., for parts and as-needed helicopter maintenance services, in an amount not-to-exceed \$5,200,000 over a five-year period, and related funding actions.

Committee Actions Taken:

This item was heard at the Public Safety and Livable Neighborhoods Committee meeting on July 24, 2019.

ACTION: Motion by Councilmember Moreno, second by Vice Chair Bry, to recommend Council approval of staff's proposed actions

VOTE: 4-0; Montgomery-yea, Bry-yea, Cate-yea, Moreno-yea.

*Fire-Rescue: Christopher Webber, Assistant Fire Chief, (619) 573-4401  
City Attorney Contact: Laura M. DePoister*

**Item 101: Authorize the Second Amendment to the Grant Host Agreement between Center for Sustainable Energy and City of San Diego for Branch Libraries Demonstration Project.**

Total Estimated Cost of Proposed Action and Funding Source:

Pursuant to its Letter of Commitment the City shall provide matching funds to the Center for Sustainable Energy in the amount of \$482,000. \$82,000 will be from the City Library Improvements Trust Fund for the purchase of furnishing fixtures, and equipment in accordance with the Library Improvement Trust Fund requirements. \$220,000 of the match will be from solar photovoltaic electricity provided and purchased, and \$180,000 will be in-kind City labor from Energy Conservation Program Fund.

Council District(s) Affected: 2, 4, 7.

Proposed Actions:

(R-2020-52)

A Resolution authorizing the Mayor, or his designee, to execute (1) a Second Amendment to Grant Host Agreement with The Center For Sustainable Energy for a Branch Libraries Zero Net Energy Grant Project; and (2) a construction contract with MNLB Construction, Inc. and the Center for Sustainable Energy for the construction elements of the Branch Libraries Zero Net Energy Grant Project.

Committee Actions Taken:

This item was heard at the Environment Committee meeting on July 18, 2019.

ACTION: Motion by Council President Pro Tem Bry, second by Councilmember Sherman, to recommend Council approval of staff's proposed actions.

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

*Sustainability Department: Heather Werner, (858) 492-5082*

*City Attorney Contact: Frederick M. Ortlieb*

**Item 102: Approval of an Agreement between the City of San Diego and Strommel, Inc., dba Lehr for Panasonic Tablets, Accessories, and Warranty Services and a related Master Lease Agreement with CIT Bank, N.A.**

Total Estimated Cost of Proposed Action and Funding Source:

The estimated total cost for this leasing agreement is not-to exceed \$3,800,000, to be paid from the General Fund.

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2020-56)

Resolution authorizing the Mayor, or his designee, to enter into an Agreement with Strommel, Inc., dba Lehr, and a Master State and Local Government Lease Agreement with CIT Bank, N.A., in an amount not-to-exceed \$3,800,000 over five-years, to provide leasing of Panasonic Tablets, Accessories, and Warranty Services for the Police Department.

Committee Actions Taken:

This item was heard at the Public Safety and Livable Neighborhoods Committee meeting on July 24, 2019.

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

VOTE: 4-0; Montgomery-yea, Bry-yea, Cate-yea, Moreno-yea.

*Police: Brendan Daly, (619) 525-8477*

*City Attorney Contact: Michelle Garland*

**Item 103: Authorization to enter into a three (3) year Agreement for Enterprise Licenses with Environmental Science Research Institute, Inc. (ESRI), the City's Geographical Information System (GIS) platform.**

Total Estimated Cost of Proposed Action and Funding Source:

This contract agreement is not-to-exceed the dollar amount of \$3,150,000 for a three (3) year term. Funded by Geographical Information System (GIS) Fund.

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2020-44)

Resolution authorizing the Mayor, or his designee, to enter into an Agreement with Environmental Science Research Institute, Inc. (ESRI), in an amount not-to-exceed \$3,150,000, to provide software licensing and support services.

Committee Actions Taken:

This item was heard at the Budget and Government Efficiency Committee meeting on July 17, 2019.

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

VOTE: 4-0; Bry-yea, Cate-yea, Montgomery-yea, Moreno-yea.

*Department of Information Technology: Scott Daeschner, (619) 533-6417*

*City Attorney Contact: Steven Lastomirsky*

**Item 104: Park Development Agreement and Park Maintenance Agreement between the City of San Diego and Lennar Homes of California, Inc., for the Mission Beach Pocket Park.**

Total Estimated Cost of Proposed Action and Funding Source:

There are no City expenditures being approved with this action.

Council District(s) Affected: 2.

Proposed Actions:

(R-2020-61)

Resolution authorizing the Mayor, or his designee, to execute the Park Development Agreement and Park Maintenance Agreement with Lennar Homes of California, Inc., for the Mission Beach Pocket Park.

Committee Actions Taken:

This item was heard at the Public Safety and Livable Neighborhoods Committee meeting on July 24, 2019.

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

VOTE: 4-0; Montgomery-yea, Bry-yea, Cate-yea, Moreno-yea.

*Planning: Betsy Miller, (619) 533-4524*

*City Attorney Contact: Jeremy Jung*

**Item 105: Agreement with Wood Environment and Infrastructure, Inc. for As-Needed Municipal Storm Water Environmental Monitoring Professional Services (H197056).**

Total Estimated Cost of Proposed Action and Funding Source:

This Agreement is for an amount not-to-exceed \$20 million over the five-year term. Funding for task orders, as needed, will be from the Transportation and Storm Water General Fund Operating Budget as identified and budgeted each Fiscal Year. Funds for task orders may also be sourced by other City departments on an as-needed basis.

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2020-50)

Resolution authorizing an Agreement with Wood Environment and Infrastructure Solutions, Inc., for as-needed storm water monitoring Consulting Services, in an amount not-to-exceed \$20,000,000 over five-years, and related funding actions.

Committee Actions Taken:

This item was heard at the Environment Committee meeting on July 18, 2019.

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

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

*Transportation & Storm Water: David Wells, (858) 541-4339*

*City Attorney Contact: Davin Widgerow*

**Item 106: Resolutions Approving the Tentative Agreements between the City and Local 127, Local 911, DCAA, Local 145, MEA, and POA Regarding the Establishment of an Interim Death and Disability Benefits Plan for Employees Initially Hired on or After July 20, 2012 and Approving an Amendment Adding a new Article VI to the City's Long-Term Disability Income Plan to Implement Interim Death and Disability Plan.**

Total Estimated Cost of Proposed Action and Funding Source:

Funding for the Interim Disability and Death Benefits Plan is available within the Long-Term Disability (LTD) Fund and will be paid on an as-needed basis consistent with other LTD claims.

Council District(s) Affected: Citywide.

Proposed Actions:

Subitem-A: (R-2020-63)

Resolution approving and ratifying Agreement between the City and Local 127 related to Establishment of the Interim Death and Disability Benefits Plan.



Subitem-B: (R-2020-67)

Resolution approving and ratifying Agreement between the City and Local 911 related to Establishment of the Interim Death and Disability Benefits Plan.

Subitem-C: (R-2020-66)

Resolution approving and ratifying Agreement between the City and DCAA related to Establishment of the Interim Death and Disability Benefits Plan.

Subitem-D: (R-2020-64)

Resolution approving and ratifying Agreement between the City and Local 145 related to Establishment of the Interim Death and Disability Benefits Plan.

Subitem-E: (R-2020-62)

Resolution approving and ratifying Agreement between the City and MEA related to Establishment of the Interim Death and Disability Benefits Plan.

Subitem-F: (R-2020-65)

Resolution approving and ratifying Agreement between the City and POA related to Establishment of the Interim Death and Disability Benefits Plan.

Subitem-G: (R-2020-68)

Resolution approving and ratifying Amendment to LTD Plan adding New Article VI to implement Interim Death and Disability Benefits Plan.

Committee Actions Taken: N/A

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

*City Attorney Contact: Thomas J. Brady*

**Item 107: Grant Application to California Department of Parks and Recreation Statewide Park Program for Park Improvements at John F. Kennedy Neighborhood Park.**

Total Estimated Cost of Proposed Action and Funding Source:

This action will authorize a Grant application for construction costs of \$3,000,000.

Council District(s) Affected: 4.

Proposed Actions:

(R-2020-53)

Resolution authorizing the Mayor, or his designee, to make applications to the State of California Department of Parks and Recreation and take all necessary actions to secure funding in an amount not-to-exceed \$3,000,000 for the John F. Kennedy Neighborhood Park (CIP AGF00007 Park Improvements/B18005 John F. Kennedy Neighborhood Park Restroom and Playground Improvements) Project; authorizing the Chief Financial Officer to increase the Capital Improvements Program Budget in CIP AGF00007 Park Improvements, (B18005, John F. Kennedy Neighborhood Park Restroom and Playground Improvements) and to accept, appropriate, and expend an amount not-to-exceed \$3,000,000 from Fund 600001 Grant Fund, for the purpose of park improvements at the John F. Kennedy Neighborhood Park, contingent upon receipt of a fully executed Grant Agreement if the grant funding is secured.

Committee Actions Taken: N/A

*Parks & Recreation: Ryan Barbrick, (619) 235-1185*

*City Attorney Contact: Hilda R. Mendoza*

**Item 108: Settlement of Julio Gonzalez v. City of San Diego, San Diego Superior Court Case No. 37-2018-00005751-CU-WT-CTL. Claim No. 18694.**

Total Estimated Cost of Proposed Action and Funding Source:

Settlement amount of \$175,000 will be paid from the Public Liability Fund.

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2020-48)

Resolution authorizing the settlement of Julio Gonzalez v. City of San Diego, San Diego Superior Court Case No. 37-2018-00005751-CU-WT-CTL, for damages for alleged violations of the Fair Employment and Housing Act while employed as a Work Systems Technician III with the Public Utilities Department between March 2014 and March 2016. Claim No. 18694.

Committee Actions Taken: N/A

*Office of the City Attorney: Kelly McGeehan, (619) 533-5884*

**Item 109: Settlement of Fernando Sanchez v. City of San Diego, San Diego Superior Court Case No. 37-2018-00020455-CU-PO-CTL. Claim No. 15927.**

Total Estimated Cost of Proposed Action and Funding Source:

Settlement amount of \$89,350 will be paid from the Public Liability Fund.

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2020-31)

Resolution authorizing the settlement of Fernando Sanchez v. City of San Diego, San Diego Superior Court Case No. 37-2018-00020455-CU-PO-CTL, for personal injuries he sustained at 510 Cesar E. Chavez Parkway on October 13, 2016. Claim No. 15927.

Committee Actions Taken: N/A

*Office of the City Attorney: Michael R. Hudson, (619) 236-6508*

**Item 110: Settlement of the property damage claim of Ken Rosenblum; Risk Management Claim No. 21368.**

Total Estimated Cost of Proposed Action and Funding Source:

Settlement amount of \$66,412.61 will be paid from Water Utility Operating Fund.

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2020-30)

Resolution authorizing the settlement of the pre-litigation claim of Ken Rosenblum, for property damage to his home and personal property in Normal Heights stemming from a break in the City's water main on January 14, 2019. Claim No. 21368.

Committee Actions Taken: N/A

*Office of the City Attorney: Jennifer Poplin, (619) 533-5839*

**Item 111: Honorary Street Name: Recognition of Jeri Dilno on the 2400 block of Howard Avenue (Intersection of Howard Ave and Texas Street) pursuant to San Diego Municipal Code Section 125.1130, "Honorary Street Names," and Council Policy 200-10, "Honorary Street Names."**

Total Estimated Cost of Proposed Action and Funding Source:

Council Policy 200-10, "Honorary Street Names," states that funding for the installation of honorary street title signs shall be the responsibility of the sponsoring councilmember. The councilmember shall identify, obtain, and make such funds available to the Mayor or designee. Therefore, funding for this honorary street title sign will be provided by Council District 3.

Council District(s) Affected: 3.

Proposed Actions:

(R-2020-51)

Resolution designating the 2400 block of Howard Avenue in the North Park Community as Jeri Dilno Way.

Committee Actions Taken: N/A

*Council District 3: Tyler Renner, (619) 236-6527*

*City Attorney Contact: Ryan P. Gerrity*

**Item 112: Declaring a Continued State of Emergency regarding the Discharge of Raw Sewage from Tijuana, Mexico.**

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

Proposed Actions:

(R-2019-350)

Declaring a Continued State of Emergency regarding the Discharge of Raw Sewage from Tijuana, Mexico.

*City Attorney Contact: Thomas C. Zeleny*

**Item S500: Appropriations of Additional Funding and Budget Revisions to the Rolling Hills Neighborhood Park ADA Upgrades Project (S-15021). (Added 7/31/19)**

Total Estimated Cost of Proposed Action and Funding Source:

This action allocates funding in the amount of \$267,837.23 from within the Capital Improvements Program (CIP) to the Rolling Hills Neighborhood Park ADA Upgrades CIP project.

Council District(s) Affected: 5.

Proposed Actions:

(R-2020-77)

Resolution authorizing the Chief Financial Officer to increase the CIP Budget, appropriate and expend an amount not-to-exceed \$267,837.23 for construction of Rolling Hills Neighborhood Park ADA Upgrade.

Committee Actions Taken: N/A

*Public Works: Nikki Lewis, (619) 533-6653*

*City Attorney Contact: Bonny Hsu*

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

**Item 30: Stacey LoMedico Day.**

MAYOR FAULCONER'S AND COUNCIL PRESIDENT GÓMEZ'S RECOMMENDATION:

Proclaiming August 9, 2019, to be "Stacey LoMedico Day" in the City of San Diego.

**Item 31: Louis H. Gessay, M.D. Day.**

COUNCIL PRESIDENT PRO TEM BRY'S RECOMMENDATION:

Proclaiming August 16, 2019, to be "Louis H. Gessay, M.D. Day" in the City of San Diego.

**Item 32: 5th Annual Diamond Street Festival Day.**

COUNCILMEMBER MONTGOMERY'S RECOMMENDATION:

Proclaiming August 31, 2019, to be "5th Annual Diamond Street Festival Day" in the City of San Diego.

**Item 33: Rancho Bernardo Swim and Tennis Club Day.**

COUNCILMEMBER KERSEY'S RECOMMENDATION:

Proclaiming August 12, 2019, to be "Rancho Bernardo Swim and Tennis Club Day" in the City of San Diego.

**Item 34: Workshops for Warriors Day.**

COUNCILMEMBER MORENO'S RECOMMENDATION:

Proclaiming August 6, 2019, to be "Workshops for Warriors Day" in the City of San Diego.

**Item 35: Childhood Cancer Awareness Month.**

COUNCIL PRESIDENT GÓMEZ'S RECOMMENDATION:

Proclaiming September 2019, to be "Childhood Cancer Awareness Month" in the City of San Diego.

**Item 36: 5th Annual San Diego Unity Games Day.**

COUNCIL PRESIDENT GÓMEZ'S RECOMMENDATION:

Proclaiming August 10, 2019, to be "5th Annual San Diego Unity Games Day" in the City of San Diego.

**Item 37: Vien Dong IV Supermarket Day.**

COUNCIL PRESIDENT GÓMEZ'S RECOMMENDATION:

Proclaiming September 7, 2019, to be "Vien Dong IV Supermarket Day" in the City of San Diego.

**Item 38: Pro Kids: The First Tee of San Diego Day.**

COUNCIL PRESIDENT GÓMEZ'S RECOMMENDATION:

Proclaiming September 7, 2019, to be "Pro Kids: The First Tee of San Diego Day" in the City of San Diego.

**Item S501: La Jolla Cove Swim Day. (Added 7/31/19)**

PRESENTED BY COUNCIL PRESIDENT PRO TEM BRY

Proclaiming September 8, 2019, to be "La Jolla Cove Swim 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, ORDINANCES TO BE INTRODUCED WITH RESOLUTIONS TO BE ADOPTED:

**Item 330: Regulation of Electric Personal Assistive Mobility Device Businesses.**

**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 Risk Management Department estimates the proposed permit user fee will generate approximately \$371 in cost recovery revenue per Fiscal Year.

**Council District(s) Affected:** Citywide.



Proposed Actions:

Subitem-A: (O-2020-35)

Introduction of an Ordinance amending Chapter 8, Article 3 of the San Diego Municipal Code by adding new Division 4, Sections 83.0401, 83.0402, 83.0403, 83.0404, 83.0405, 83.0406, and 83.0407, relating to permitting and the operation of Electric Personal Assistive Mobility Device Businesses.

Subitem-B: (R-2020-60)

Resolution approving the establishment of fees for Electric Personal Assistive Mobility Device Businesses for inclusion in the Ratebook of City Fees and Charges maintained in the Office of the City Clerk.

Committee Actions Taken:

This item was heard at the Budget and Government Efficiency Committee meeting on October 17, 2018.

ACTION: Motion by Councilmember Gómez, second by Councilmember Cate, to forward the item to Council without a recommendation and requested that staff work with operators prior to the full council hearing.

VOTE: 3-0; Bry-yea, Cate-yea, Gómez-yea, Ward-Not present.

*Risk Management: Claudia Castillo del Muro, (619) 236-6784*

*City Attorney Contact: Miguel Merrell*

**Item 331: Amendments to the Lease for 7950, 8048-8050 Othello Avenue, San Diego, CA between Calico, LLC, Catitude, LLC and the City 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:

This Amendment allows the expenditure of an amount not-to-exceed \$811,286 from Fleet Services Capital Improvements Program for the purpose of executing a design agreement for the design of the Kearny Mesa Repair Facility.

Council District(s) Affected: 6.

Proposed Actions:

Subitem-A: (O-2020-37)

Introduction of an Ordinance authorizing amendments to the lease with Calico, LLC and Catitude, LLC for the City of San Diego to lease property located at 7950, 8048-8050 Othello Avenue, San Diego, California and related actions.

**6 votes required pursuant to Charter Section 99.**

Subitem-B: (R-2020-76)

A Resolution determining that the authorization of the amendments to the lease with Calico, LLC and Catitude, LLC for the City of San Diego to lease property located at 7950, 8048-8050 Othello Avenue, San Diego, California is exempt from the California Environmental Quality Act pursuant to Section 15301 of the CEQA Guidelines.

Committee Actions Taken:

This item was heard at the Active Transportation and Infrastructure Committee meeting on July 24, 2019.

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

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

*Real Estate Assets: Karen Johnson, (619) 236-6191*

*City Attorney Contact: Hilda R. Mendoza*

ADOPTION AGENDA

DISCUSSION, RESOLUTIONS TO BE ADOPTED:

**Item 332: Downtown Community Parking District FY2020 Annual Plan and Budget and Transition of Management of the Downtown Community Parking District from Civic San Diego to the City 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:

This item will allocate parking meter funds of an estimated \$12,940,643 to the Downtown Community Parking District.

Council District(s) Affected: 3.

Proposed Actions:

(R-2020-47)

Resolution of the City of San Diego approving the City of San Diego as the administrator of the Downtown Community Parking District, authorizing the transfer, appropriation, and expenditure of Downtown Community Parking District funding for Fiscal Year 2020 Annual Plan and Budget, and approving related actions.

Committee Actions Taken:

This item was heard at the Active Transportation and Infrastructure Committee meeting on July 24, 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.

*Economic Development: Tanner French, (619) 533-4741*

*City Attorney Contact: Kate Malcolm*

**Item 333: Six Agreements for As-Needed Land Surveying, Aerial Surveying, Photography, Mapping and Digitizing Services.**

**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 maximum cost per agreement is not-to-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-2019-713)

A Resolution authorizing agreements with six consultants for as-needed land and aerial surveying services, in an amount not-to-exceed \$5,000,000 per agreement over five years and related funding actions. (Rev. 8/1/19)

Committee Actions Taken:

This item was heard at the Active Transportation and Infrastructure Committee meeting on July 24, 2019.

ACTION: Motion by Councilmember Cate, second by Chair Kersey, to forward staff's proposed action to Council without recommendation.

VOTE: 2-2; Kersey-yea, Cate-yea, Ward-nay, Moreno-nay.

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

*City Attorney Contact: Pedro De Lara, Jr.*

ADOPTION AGENDA

DISCUSSION, NOTICED HEARINGS:

**Item 334: Seabreeze Senior Living - Project No. 600824.**

**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. All costs associated with this project are paid through a deposit account funded by the applicant.

Council District(s) Affected: 1.

Proposed Actions:

An application to demolish an equestrian facility and construct a two-story building with a Senior Residential Care Facility with 118 units and five, one-story duplex casitas (10 units) located at 5720 Old Carmel Valley Road in the AR-1-1, CVPD-SF2 and CVPD-OS zones of the Carmel Valley Community Plan area. Addendum No. 600824 to Environmental Impact Report No. 35-0385/SCH No. 96021001/Mitigated Negative Declaration (MND) LDR No. 96-7919 prepared for the Seabreeze Farms project, has been prepared in accordance with the California Environmental Quality Act guidelines.

Subitem-A: (R-2020-34)

Resolution approving an Addendum to Environmental Impact Report No. 35-0385/SCH No. 96021001 and Mitigated Negative Declaration No. 96-7919, and adopting a Mitigation, Monitoring, and Reporting Program for the Seabreeze Senior Living Project (Project No. 600824);

Directing the City Clerk to file a Notice of Determination with the Clerk of the Board of Supervisors for the County of San Diego Regarding the project.

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

Subitem-B: (R-2020-36)

Resolution approving Conditional Use Permit No. 2123276, Site Development Permit No. 2123277, and Planned Development Permit No. 2256375 for the Seabreeze Senior Living Project (Project No. 600824).

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

Subitem-C: (R-2020-35)

Resolution approving Easement Vacation No. 2123272 for the Seabreeze Senior Living Project (Project No. 600824).

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

Subitem-D: (R-2020-33)

Resolution approving an Amendment to the General Plan and the Carmel Valley Community Plan for the Seabreeze Senior Living Project (Project No. 600824).

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

Committee Actions Taken: N/A

*Development Services: Anthony Bernal, (619) 446-5147*

*City Attorney Contact: Lindsey Sebastian*

**Item 335: Creation of Underground Utility District for Torrey Pines Community and the Carmel Valley Community (UU798 Residential Project Block 1Y).**

**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:

No funds are appropriated by the current actions. The Underground Surcharge Fund will be used to fund an estimated \$12,063,200, approved by prior and subsequent actions. The utility conversion work is estimated at \$11,056,200 and related costs for administration, streetlight replacement, street resurfacing, and other related work is estimated at \$1,007,000.

Council District(s) Affected: 1.

Proposed Actions:

Subitem-A: (R-2019-702)

Resolution determining that the creation of the described District is in the public interest and necessary for public health, safety, or general welfare; declaring the District to be a utility underground district; authorizing the Mayor, or his designee, to establish an undergrounding schedule for the District; instructing the Mayor, or his designee, to notify all affected persons and utility companies of the provisions of the District schedule once adopted.

Subitem-B: (R-2019-700)

Resolution adopting Mitigated Negative Declaration No. 463483 and adopting the Mitigation, Monitoring, and Reporting Program for the UU798 Residential Block 1Y Undergrounding Utility District Project; and directing the City Clerk to file a Notice of Determination with the Clerk of the Board of Supervisors for the County of San Diego regarding the District;

Directing City Clerk to file a Notice of Determination with the Board of Supervisors for the County of San Diego regarding the project.

**Subitem B is not subject to Mayor's veto.**

Committee Actions Taken: N/A

*Transportation & Storm Water: Jim Nabong, (619) 533-3721  
City Attorney Contact: Ryan P. Gerrity*

## **NON-AGENDA ITEMS**

## **REPORT OUT FROM CLOSED SESSION**

## **ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES**

## **ADJOURNMENT**