

# **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, October 27, 2020**

**AGENDA FOR THE  
REGULAR COUNCIL MEETING OF  
TUESDAY, OCTOBER 27, 2020, AT 9:00 AM  
CITY ADMINISTRATION BUILDING  
COUNCIL CHAMBERS – 12<sup>TH</sup> FLOOR  
202 "C" STREET  
SAN DIEGO, CA 92101**

**COVID- 19 PUBLIC SERVICE ANNOUNCEMENT REGARDING COUNCIL MEETING ACCESS AND PUBLIC COMMENT:**

Until further notice, City Council meetings will be conducted pursuant to the provisions of [California Executive Order 29-20](#), which suspends certain requirements of the Ralph M. Brown Act and the [Temporary Rules of Council](#) as approved on June 9, 2020.

During the current State of Emergency and in the interest of public health and safety, most—and possibly all—of the Council Members will be participating in City Council meetings by teleconference. In accordance with the Executive Order, there will be no members of the public participating in person at the City Council Meetings. We are providing alternatives to in-person attendance for viewing and participating in the meetings.

In lieu of in-person attendance, members of the public may participate and provide comment via telephone, using the City Clerk webform, email submission or via U.S. Mail of written materials, as follows:

**Phone in Testimony**

When the Clerk introduces either the item you would like to comment on or the comment period for, Non-Agenda Public Comment or Closed Session Public Comment, follow the instructions within the "[Public Comment Instructions](#)" by dialing the number below to be placed in the queue.

1. DIAL 619-541-6310
2. Enter the Access Code: 877861 then press '#'.

**Written Comment through Webform:**

**Comment on Agenda Items** may be submitted using the [webform](#) indicating the agenda item number for which you wish to submit your comment. Comments received by the start of the meeting will be distributed to the City Council and posted online with the meeting materials. All webform comments are limited to 200 words. Comments received after the start of the meeting but before the item is called will be submitted into the written record for the relevant item.

**Non-Agenda Public Comment** may be submitted using the [webform](#), checking the appropriate box. Comments received by the start of the meeting will be distributed to the City Council and posted online with the meeting materials. All webform comments are limited to 200 words. Comments received after the start of

the meeting but before Non-agenda comment is called will be submitted into the written record for the meeting.

**Closed Session Public Comment** may be submitted using the City Clerk [webform](#), checking the appropriate box. Comments received by the start of the meeting will be distributed to the City Council and posted online with the meeting materials. All webform comments are limited to 200 words. Comments received after the start of the meeting but before the item is called will be submitted into the written record for the relevant item.

**Written Materials.** If you wish to submit written materials for submission into the record or have an attachment to your comment, you may email it to [cityclerk@sandiego.gov](mailto:cityclerk@sandiego.gov) or submit via U.S. Mail 202 C Street, MS2A San Diego, CA 92101. Materials submitted via e-mail will be distributed to the Councilmembers in accordance with the deadlines described above. Materials submitted via U.S. Mail will need to be received the business day prior in order for it to be distributed to the City Council.

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 Time Warner Cable or Channel 99 for AT&T, or [view the meetings online \(link is external\)](#)

## **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.

**Note:** The City Council will meet in Closed Session this morning at 9:00 a.m. or shortly thereafter. Public Comment on Closed Session items will occur at the start of the 9:00 a.m. session before Council adjourns into Closed Session. The City Council will reconvene for Open Session at 11:00 a.m. or shortly thereafter.

**PLEASE NOTE: THE PUBLIC PORTION OF THIS AGENDA, LISTED BELOW AND INCLUDING NON-AGENDA PUBLIC COMMENT, BEGINS AT 11AM OR SHORTLY THEREAFTER. The only public input taken at the start of the 9am session is for Closed Session items only.**

**ROLL CALL**

**INVOCATION**

**PLEDGE OF ALLEGIANCE**

**NON-AGENDA PUBLIC COMMENT**

**APPROVAL OF COUNCIL MINUTES**

7/14/2020

9/29/2020

**ADOPTION AGENDA, CONSENT ITEMS**

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

**ADOPTION AGENDA**

CONSENT, ORDINANCES TO BE INTRODUCED:

**Item 50: Exemption of Two Positions in the Office of Race and Equity from the Classified Service.**

Total Estimated Cost of Proposed Action and Funding Source:

This action to exempt positions from the Classified Service does not have a fiscal impact. In the Fiscal Year 2021 Adopted Budget, \$824,752 was allocated for the addition of 3.00 FTE positions and associated non-personnel expenditures for the Office of Race and Equity.

Council District(s) Affected: Citywide.

Proposed Actions:

(O-2021-50)

Introduction of an Ordinance authorizing the exemption of two Program Manager positions in the City's Office of Race and Equity from the Classified Service, based on advisory review and favorable comment by the Civil Service Commission on October 1, 2020. These positions will be responsible for developing the strategic plan for the Office of Race and Equity, establishing and administering the Community Equity Fund, and other related duties. This Action is brought under San Diego Charter Section 117(a)(17).

Committee Actions Taken: N/A

*Office of the Mayor: Almis Udry, (619) 236-5929*  
*City Attorney Contact: Miguel Merrell*

ADOPTION AGENDA

CONSENT, ORDINANCES TO BE ADOPTED:

**Item 51: Tenth Amended Joint Powers Agreement Confirming the Creation of an Agency Known as Southern California Coastal Water Research Project (SCCWRP).**

Total Estimated Cost of Proposed Action and Funding Source:

This action is authorizing the Tenth Amendment to the joint powers agreement confirming the creation of an agency known as the Southern California Coastal Water Research Project (SCCWRP), in an amount not-to-exceed \$2,734,204 from Metro Sewer Utility, and extends the agreement for an additional five (5) years, through June 30, 2026.

Council District(s) Affected: Citywide.

Proposed Actions:

Adopt the following ordinance which was introduced on 10/13/2020, Item 50. (Council voted 9-0):

(O-2021-38)

Ordinance authorizing the Mayor, or his designee, to execute the Tenth Amended Joint Powers Agreement confirming the creation of an agency known as Southern California Coastal Water Research Project (SCCWRP), in an amount not-to-exceed \$2,734,204, for a period of 5 years.

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

Committee Actions Taken: N/A

*Public Utilities: Peter Vroom, (619) 758-2301*  
*City Attorney Contact: Christine Leone*

**Item 52:      **Transfer of Three Non-Exclusive Solid Waste Collection Franchises to USA Waste of California, Inc.****

Total Estimated Cost of Proposed Action and Funding Source:

There is no cost associated with this item.

Council District(s) Affected: Citywide.

Proposed Actions:

Adopt the following ordinances which were introduced on 10/13/2020, Item 51, Subitems A and B. (Council voted 9-0):

Subitem-A: (O-2021-41)

Ordinance authorizing the transfer of the Class II Non-Exclusive Franchise for Solid Waste Management Services from Waste Management Inc., dba BDC Special Waste Services to USA Waste of California, Inc., dba BDC Special Waste Services; from Waste Management Inc., dba Emerald Waste and Recovery to USA Waste of California, Inc., dba Emerald Waste and Recovery; from Waste Management, Inc., dba Reliable Waste to USA Waste of California, Inc., dba Reliable Waste; and the execution by the Mayor, or his designee, of a consent to assignment of the franchises and franchise Agreements.

**6 votes required pursuant to City Charter Section 103.**

Subitem-B: (O-2021-42)

Ordinance authorizing the Eighth and Ninth amendments to the Class II Non-Exclusive Franchise Agreements for Solid Waste Management Services with USA Waste of California, Inc., dba BDC Special Waste Services; USA Waste of California, Inc., dba Emerald Waste and Recovery; and USA Waste of California, Inc., dba Reliable Waste.

**6 votes required pursuant to City Charter Section 103.**

Committee Actions Taken: N/A

*Environmental Services: Ken Prue, (858) 492-5085*  
*City Attorney Contact: David Krypel*

**Item 53: Housing Legislation Code Update to the Municipal Code and Local Coastal Program.**

Total Estimated Cost of Proposed Action and Funding Source:

There are no City expenditures being authorized with this action.

Council District(s) Affected: Citywide.

Proposed Actions:

Adopt the following ordinance which was introduced on 10/13/2020, Item 330. (Council voted 9-0):

(O-2021-43 Cor. Copy)

Ordinance Amending Chapter 11, Article 3, Division 1 of the San Diego Municipal Code by Amending Section 113.0103; Amending Chapter 12, Article 6, Division 4 by Amending Sections 126.0402 and 126.0404; Amending Chapter 12, Article 6, Division 5 by Amending Section 126.0502 and Amending and Retitling Section 126.0503; Amending Chapter 12, Article 6, Division 6 by Amending Section 126.0602 and Amending and Retitling Section 126.0603; Amending Chapter 12, Article 6, Division 7 by Amending Section 126.0704; Amending Chapter 13, Article 1, Division 1 by Amending Section 131.0112 and by Adding Section 131.0123; Amending Chapter 13, Article 1, Division 2 by Amending Sections 131.0222 and 131.0231; Amending Chapter 13, Article 1, Division 3 by Amending Sections 131.0322 and 131.0331; Amending Chapter 13, Article 1, Division 4 by Amending Sections 131.0422 and 131.0431; Amending Chapter 13, Article 1, Division 5 by Amending Sections 131.0522 and 131.0531; Amending Chapter 13, Article 1, Division 6 by Amending Section 131.0622 and 131.0631; Amending Chapter 13, Article 1, Division 7 by Amending Sections 131.0707 and 131.0709; Amending Chapter 13, Article 2, Division 14 by Amending Section 132.1402; Amending Chapter 14, Article 1, Division 3 by Deleting Section 141.0302 and by Adding New Sections 141.0302, 141.0317, and 141.0318; Amending Chapter 14, Article 2, Division 6 by Amending Sections 142.0640 and 142.0680; Amending Chapter 14, Article 3, Division 3 by Amending Section 143.0302; Amending Chapter 14, Article 3, Division 4 by Amending Sections 143.0402, 143.0410, and 143.0455; Amending Chapter 14, Article 3, Division 7 by Amending Sections 143.0710, 143.0715, 143.0720, 143.0740, 143.0743, and 143.0744; Amending Chapter 14, Article 3, Division 9 by Amending Sections 143.0915 and 143.0920; Amending Chapter 14, Article 3 by Adding New Division 12, Sections 143.1201, 143.1203, 143.1205, 143.1207, 143.1210, and 143.1212; Amending Chapter 15, Article 1, Division 1 by Amending Section 151.0103; Amending Chapter 15, Article 6, Division 3 by Amending Section 156.0309; and by Amending Chapter 15, Article 10, Division 3 by Amending Section 1510.0303, all relating to the Housing Legislation Code Update.

Committee Actions Taken: N/A

*Planning: Kelley Stanco, (619) 236-6545*

*City Attorney Contact: Heather Ferbert*

**Item 54: North Park Community Plan Amendment and Rezone.**

Total Estimated Cost of Proposed Action and Funding Source:

There are no expenditures being authorized with this action.

Council District(s) Affected: 3.

Proposed Actions:

Adopt the following ordinance which was introduced on 10/13/2020, Item 331, Subitem C. (Council voted 9-0):

(O-2021-40)

Ordinance changing 3.53 acres located at 3643 Florida Street, 2015 Cypress Avenue, 3639 Florida Street, 2019 Cypress Avenue, 3555 Florida Street, 3541 Florida Street, 3531 Florida Street, 3521 Florida Street, 3511 Florida Street, 3503 Florida Street, 3627 Florida Street, 3443 Florida Street, 3433 Florida Street, 3427 Florida Street, and 3405 Florida Street, within the North Park Community Plan area, in the City of San Diego, California, from the RS-1-7 zone to the RM-3-7 zone, as defined by San Diego Municipal Code Sections 131.0403 and 131.0406; and repealing Ordinance No. O-2017-53, adopted October 25, 2016, of the Ordinances of the City of San Diego insofar as the same conflict herewith, for the North Park Community Plan Amendment and Rezone.

Committee Actions Taken: N/A

*Planning: Nathen Causman, (619) 236-7225*

*City Attorney Contact: Lindsey Sebastian*

ADOPTION AGENDA

CONSENT, RESOLUTIONS TO BE ADOPTED:

**Item 100: Resolution of The Council of The City of San Diego Authorizing and Establishing the North Torrey Pines Banner District.**

Total Estimated Cost of Proposed Action and Funding Source:

No City funds expended for the creation of the North Torrey Pines Banner District. The North Torrey Pines Banner District will be sponsored and funded in partnership by BIOCUM and Alexandria Real Estate Equities.



Council District(s) Affected: 1.

Proposed Actions:

Subitem-A: (R-2020-361)

Resolution determining that the approval of the North Torrey Pines Banner District and authorization to install and display banners in the public right-of-way is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301.

Subitem-B: (R-2020-360)

Resolution establishing and authorizing the North Torrey Pines Banner District and authorizing the installation and display of banners in the public right-of-way.

Committee Actions Taken: N/A

*District 1: Justine Murray, (619) 236-6979*

*City Attorney Contact: Noah Brazier*

**Item 101: Amendments to Audit Manual.**

Total Estimated Cost of Proposed Action and Funding Source:

There are no costs associated with this action.

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2021-169)

Resolution approving the Revised Ethics Commission Audit Manual.

Committee Actions Taken:

This item was heard at the Rules Committee meeting on October 9, 2020.

**ACTION:** Motion by Vice Chair Bry, second by Councilmember Ward, to approve staff's recommendation on the proposed amendments to the Ethics Commission Audit Manual.

**VOTE:** 5-0; Bry-yea, Ward-yea, Montgomery-yea, Kersey-yea, Gómez-yea.

*Ethics Commission: Stacey Fulhorst, (619) 857-5161*

*City Attorney Contact: Joan F. Dawson*

**Item 102: Settlement of the Property Damage Claim of Cynthia Colis Fakier - Claim No. 17108.**

Total Estimated Cost of Proposed Action and Funding Source:

Settlement amount of \$129,107.04 will be paid from the Water Fund.

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2021-144)

Resolution authorizing the settlement of a pre-litigation claim filed by Cynthia Colis Fakier for damage to personal property stemming from a break in the City's water main on July 30, 2017. Risk No. 17108.

Committee Actions Taken: N/A

*Office of the City Attorney: Dave E. Abad, (619) 533-5821*

**Item 103: Settlement of the Property Damage Claim of Joey Vaiasuso DBA Jett Gallery - Claim No. 17108.**

Total Estimated Cost of Proposed Action and Funding Source:

Settlement amount of \$126,432.00 will be paid from the Water Fund. The City provided Claimant with an advance payment of \$18,000.00 on October 15, 2017, resulting in a balance owed of \$108,432.00 to Joey Vaiasuso DBA Jett Gallery.

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2021-143)

Resolution authorizing the settlement of a pre-litigation claim filed by Joey Vaiasuso DBA Jett Gallery for damage to personal property stemming from a break in the City's water main on July 30, 2017. Risk No. 17108.

Committee Actions Taken: N/A

*Office of the City Attorney: Dave E. Abad, (619) 533-5821*

**Item 104: Settlement of Matthew Papuga v. City of San Diego, San Diego Superior Court Case No. 37-2018-00060802-CU-WT-CTL. Risk No. 20972.**

Total Estimated Cost of Proposed Action and Funding Source:

Settlement amount of \$425,000.00 will be paid from the Public Liability Fund.

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2021-167)

Resolution authorizing the settlement of Matthew Papuga v. City of San Diego, San Diego Superior Court Case No. 37-2018-00060802-CU-WT-CTL, for alleged violations of the California Fair Employment and Housing Act. Risk No. 20972.

Committee Actions Taken: N/A

*Office of the City Attorney: Erin D. Kilcoyne, (619) 235-5795*

**Item 105: Settlement of Pre-Litigation Claim of William McGuigan, Claim No. 20167.**

Total Estimated Cost of Proposed Action and Funding Source:

Settlement amount of \$180,915.02 will be paid from the Water Fund.

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2021-128)

Resolution authorizing the settlement of a pre-litigation claim filed by William McGuigan for damage to his personal property and loss of use of his home due to a water main rupture which caused a mudslide on August 13, 2018. Risk No. 20167.

Committee Actions Taken: N/A

*Office of the City Attorney: Cheryl Shitabata, (619) 533-5697*

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

**Item 30: Assistant City Attorney Sanna R. Singer Day.**

MAYOR FAULCONER'S, COUNCIL PRESIDENT GÓMEZ'S, AND COUNCILMEMBER CAMPBELL'S RECOMMENDATION:

Proclaiming October 30, 2020, to be "Assistant City Attorney Sanna R. Singer Day" in the City of San Diego.

**SPECIAL ORDERS OF BUSINESS**

None.

**ITEMS PULLED FROM THE CONSENT AGENDA**

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

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

**REQUESTS FOR CONTINUANCE BY COUNCILMEMBERS**

**INFORMATIONAL ITEMS**

**Item 330: Fiscal Year 2020 Year-End Financial Performance Report.**

Total Estimated Cost of Proposed Action and Funding Source:

This is an informational item only.

Council District(s) Affected: Citywide.

Proposed Actions:

This is an informational item only.

Committee Actions Taken: N/A

*Department of Finance: Adam Jones, (619) 533-6385*

**Item 331: Informational Update: City of San Diego Community Action Plan on Homelessness.**

Total Estimated Cost of Proposed Action and Funding Source:

Informational item only. There are no City expenses associated with this.

Council District(s) Affected: Citywide.

Proposed Actions:

This item is informational only.

Committee Actions Taken: N/A

*Housing Commission: Lisa Jones, (619) 578-7696*

**ADOPTION AGENDA, DISCUSSION ITEMS**

ADOPTION AGENDA

DISCUSSION, RESOLUTIONS TO BE ADOPTED:

**Item 332: Approval of the Fiscal Year 2021 Operating Agreement for the City of San Diego Coordinated Street Outreach Program and Approval of a Memorandum of Understanding between the City of San Diego (City) and the San Diego Housing Commission for the Oversight and Administration of the City's Coordinated Street Outreach Program.**

Total Estimated Cost of Proposed Action and Funding Source:

The City of San Diego has made available \$1,500,000 from the Homeless Strategies Department General Fund for operations. This action will increase the Housing Commission Fiscal Year (FY) 2021 budget by \$1,077,643 which reflects the pro-rated amount for an eight-month period, from November 1, 2020, to June 30, 2021.

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2021-178)

Resolution authorizing the Mayor, or his designee, to enter into a Memorandum of Understanding with the San Diego Housing Commission, in an amount not-to-exceed \$1,500,000, to provide oversight and administration related to the City's Coordinated Street Outreach Program.

Committee Actions Taken: N/A

*Housing Commission: Lisa Jones, (619) 578-7696*  
*City Attorney Contact: Kate Malcolm*

See the Housing Authority Agenda of October 27, 2020, for a companion item.

**Item 333: Execution of the Memorandum of Understanding Between the City of San Diego and the San Diego Housing Commission for the Operation and Administration of the Homelessness Response Center and Approval of the Agreement with People Assisting the Homeless to Provide Services at the Homelessness Response Center.**

Total Estimated Cost of Proposed Action and Funding Source:

The proposed funding sources and uses are contingent upon the City making funds available.

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2021-171)

Resolution authorizing the Mayor, or his designee, to enter into a Memorandum of Understanding (MOU) with the San Diego Housing Commission and authorizing the appropriation and expenditure of funds for the operation and administration of the Homelessness Response Center in accordance with the MOU.

Committee Actions Taken: N/A

*Housing Commission: Lisa Jones, (619) 578-7696*  
*City Attorney Contact: Marco A. Verdugo*

See the Housing Authority Agenda of October 27, 2020, for a companion item.

**Item 334: Implementation Strategy for Affordable Housing Preservation.**

Total Estimated Cost of Proposed Action and Funding Source:

If directed by City Council within the framework of the City's budget process, approximately \$5.9 million of the Residual Redevelopment Property Tax Trust Funds (RPTTF) are associated with this action in FY2021. The RPTTF are currently allocated to the City of San Diego's General Fund.

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2021-172)

Resolution of the Council of the City of San Diego approving the proposed actions in the San Diego Affordable Housing Preservation Report.

Committee Actions Taken: N/A

*Housing Commission: Suket Dayal, (619) 578-7608*  
*City Attorney Contact: Kate Malcolm*

**Item 335: Consideration of Updates to City Council Policy 500-02 Taxicab Permits.**

Total Estimated Cost of Proposed Action and Funding Source:

No significant fiscal impact is expected with the policy update.

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2021-148)

Resolution to amend Council Policy No. 500-02 titled "Taxicab Permits."

Committee Actions Taken: N/A

*District 3: Molly Chase, (619) 236-6633*

*City Attorney Contact: Ryan P. Gerrity*

ADOPTION AGENDA

DISCUSSION, NOTICED HEARINGS:

**Item 336: Tax Equity & Fiscal Responsibility Act Public Hearing – Ulric Street Apartments II.**

Total Estimated Cost of Proposed Action and Funding Source:

There are no City expenditures associated with this item.

Council District(s) Affected: 7.

Proposed Actions:

(R-2021-170)

Resolution approving the issuance of bonds by the Housing Authority for Ulric Street Apartments II pursuant to Section 147(f) of the Internal Revenue Code of 1986.

Committee Actions Taken: N/A

*Housing Commission: Colin Miller, (619) 578-7429*

*City Attorney Contact: Marguerite Middaugh*

See the Housing Authority Agenda of October 27, 2020, for a companion item. This is a TEFRA hearing item.



**NON-AGENDA ITEMS**

**REPORT OUT FROM CLOSED SESSION**

**ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES**

**ADJOURNMENT**