

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, 12th Floor, City Administration Building

Tuesday, November 05, 2019

**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
TUESDAY, NOVEMBER 05, 2019, AT 10:00 AM
CITY ADMINISTRATION BUILDING
COUNCIL CHAMBERS – 12TH 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

10/07/2019

10/08/2019

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: Approve License Agreement with San Diego Unified School District on a portion of Taft Middle School for public access to existing trails.

Total Estimated Cost of Proposed Action and Funding Source:

No cost for License Agreement with San Diego Unified School District. City of San Diego shall perform Brush Management within the area of the Agreement (0.43 acres) through the existing General Fund, Open Space Division Brush management program.

Council District(s) Affected: 7.

Proposed Actions:

(O-2020-48)

Introduction of an Ordinance authorizing execution of a license agreement with San Diego Unified School District for the use of School District property

and maintenance of existing trails located at Taft Middle School in the Serra Mesa and Mission Valley communities and related actions.

6 votes required pursuant to Charter Section 99.

Committee Actions Taken:

This item was heard at the Environment Committee meeting on September 12, 2019.

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

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

Parks & Recreation: Laura Ball, (619) 685-1301

City Attorney Contact: Hilda R. Mendoza

Item 51: Extension of the Columbia Ultimate, Inc. / Ontario Systems contract for maintenance and support of the Revenue Plus Collector System used for Citywide debt collection.

Total Estimated Cost of Proposed Action and Funding Source:

This is a request for approval to extend the Ontario Systems contract to provide ongoing maintenance and support of the Revenue Plus Collector System (RPCS) used by the Delinquent Accounts Program for citywide debt collection for two years. This contract extension will be funded by the General Fund. The annual not-to-exceed amount is \$240,000 and is budgeted.

Council District(s) Affected: Citywide.

Proposed Actions:

(O-2020-58)

Introduction of an Ordinance authorizing the Mayor, or his designee, to enter into Amendment No. 5 to the Master Services Contract with Columbia Ultimate, Inc., in an amount not-to-exceed \$480,000, to provide proprietary debt collection software.

6 votes required pursuant to Charter Section 99.

Committee Actions Taken:

This item was heard at the Budget and Government Efficiency Committee meeting on October 16, 2019.

ACTION: Motion by Councilmember Montgomery, second by Chair Bry, to recommend Council approve staff's proposed action with a two-year extension option instead of three.

VOTE: 3-0; Bry-yea, Cate-yea, Montgomery-yea, Moreno-not present.

Office of the City Treasurer: DeeDee Alari, (619) 235-5276

City Attorney Contact: Jennifer L. Berry

ADOPTION AGENDA

CONSENT, ORDINANCES TO BE ADOPTED:

Item 52: Authorize State Revolving Fund Loan Ordinances for Water and Wastewater System Pure Water Program Phase 1 Projects.

Total Estimated Cost of Proposed Action and Funding Source:

Please see Staff Report for fiscal information.

Council District(s) Affected: Citywide.

Proposed Actions:

Adopt the following ordinances which were introduced on 10/22/2019, Item 330, Subitems A and B. (Council voted 8-1. Councilmember Sherman-nay):

Subitem-A: (O-2020-10 Cor. Copy)

Ordinance authorizing Clean Water State Revolving Fund Loans and Drinking Water State Revolving Fund Loans to the Water Utility for Pure Water Program Phase 1 Projects.

6 votes required pursuant to Charter Section 99.

Subitem-B: (O-2020-11 Cor. Copy)

Ordinance authorizing Clean Water State Revolving Fund Loans and Drinking Water State Revolving Fund Loans to the Sewer Utility for Pure Water Program Phase 1 Projects.

6 votes required pursuant to Charter Section 99.

Committee Actions Taken: N/A

Debt Management: Brian Mandell, (619) 533-4519

City Attorney Contact: Bret A. Bartolotta

Item 53: Pure Water - Amendment No. 2 to Sole Source Agreement with Hawkins Delafield and Wood (HDW) to provide specialized legal services for the North City Renewable Energy Project, Miramar Landfill Gas and Power Generation Facilities and Services.

Total Estimated Cost of Proposed Action and Funding Source:

The second amendment is for an amount not-to-exceed \$1,159,000, which increases the total not-to-exceed amount of the Agreement to \$2,399,000, and increases the term by five years for a total of ten years. This amendment will be funded with \$880,840 from the Water Utility Operating Fund and \$278,160 from the Metro Sewer Utility Fund.

Council District(s) Affected: 6.

Proposed Actions:

Adopt the following ordinance which was introduced on 10/22/2019, Item 331. (Council voted 8-1, Councilmember Sherman-nay):

(O-2020-46 Cor. Copy)

Ordinance authorizing the Mayor, or his designee, to execute Amendment No. 2 to the Contract with Hawkins, Delafield, & Wood, extending the Contract through July 14, 2025 and for additional services not-to-exceed \$1,159,000, in connection with the North City Renewable Energy Project.

**6 votes required pursuant to Charter Section 99.
This amendment will extend the Agreement beyond five years.**

Committee Actions Taken: N/A

Public Utilities: Amy Dorman, (858) 614-5504

City Attorney Contact: Frederick Ortlieb

Item 54: Pure Water – Amendment No. 3 to the As-Needed Engineering Technical Services Consultant Agreement with Stantec, Inc. (formerly Montgomery Watson Harza Americas, Inc.), for the Pure Water San Diego Program; H156303.

Total Estimated Cost of Proposed Action and Funding Source:

This action approves Amendment No. 3 for an amount not-to-exceed \$37,700,000, increasing the total not-to-exceed amount of the Agreement to \$94,100,000, and increasing the term by five (5) years through January 5, 2025. The amendment will be funded by the Water Utility Operating Fund, Water Utility CIP Fund, Metro Sewer Operating Fund and the Metro Sewer CIP Fund.

Council District(s) Affected: Citywide.

Proposed Actions:

Adopt the following ordinance which was introduced on 10/22/2019, Item 332. (Council voted 8-1, Councilmember Sherman-nay):

(O-2019-146 Cor. Copy)

An Ordinance authorizing the Mayor, or his designee, to execute Amendment No. 3 to the Contract with Stantec (formerly Montgomery Watson Harza Americas, Inc.), for additional As-Needed Engineering Technical Services to increase the total not-to-exceed amount by \$37,700,000, increasing the total not-to-exceed amount to \$94,100,00, and extending the Contract through 2025, in connection with the Pure Water Project.

6 votes required pursuant to Charter Section 99.

Committee Actions Taken: N/A

Public Utilities: Amy Dorman, (858) 614-5504

City Attorney Contact: Christine Leone

Item 55: Exemption of One Program Manager Position in the Human Resources Department from the Classified Service.

Total Estimated Cost of Proposed Action and Funding Source:

Please see Staff Report.

Council District(s) Affected: Citywide.

Proposed Actions:

Adopt the following ordinance which was introduced on 10/22/2019, Item 50. (Council voted 9-0):

(O-2020-50)

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 September 5, 2019. This Program Manager position will be responsible for formulating and administering a City-sponsored childcare program, and lead efforts related to equity and inclusion in the City's workforce. This Action is brought under San Diego Charter Section 117(a)(17).

Committee Actions Taken: N/A

Human Resources: Louis Merlin, (619) 235-5802

City Attorney Contact: Miguel Merrell

ADOPTION AGENDA

CONSENT, RESOLUTIONS TO BE ADOPTED:

Item 100: Amendment to the contract with the Morris Law Firm for legal services related to City's defense of Child Protection Act (CPA).

Total Estimated Cost of Proposed Action and Funding Source:

This first amendment is for an amount of \$100,000, which is allocated in the Public Liability Fund; total contract amount is not-to-exceed \$150,000.

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2020-176)

Resolution authorizing an amendment to increase funding by \$100,000 to the Contract with the Morris Law Firm, APC for legal services in defense of the City's CPA.

Committee Actions Taken: N/A

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

City Attorney Contact: David J. Karlin

Item 101: Fiscal Year 2019 Homeland Security Grant Program - Urban Area Security Initiative.

Total Estimated Cost of Proposed Action and Funding Source:

This action is to authorize the administration of \$16,900,000 of Urban Area Security Initiative Grant funding for San Diego Urban Area regional projects, a portion of which will be retained by the City of San Diego.

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2020-172)

Resolution authorizing the Mayor, or his designee, to apply for and accept \$16,900,000, and any additional grant funding, from the California Governor's Office of Emergency Services to implement the FY 2019 Homeland Security Grant Program, and to enter into all agreements necessary for the purpose of implementing the FY 2019 Homeland Security Grant Program, contingent upon funding being secured; and, authorizing the Chief Financial Officer, or his designee, to accept, appropriate, and expend \$16,900,000, and any additional grant funding awarded under the FY 2019 Homeland Security Grant Program, contingent upon funding being secured.

Committee Actions Taken: N/A

Office of Homeland Security: Megan Beall, (619) 533-6764

City Attorney Contact: Michelle Garland

Item 102: Declaring a Continued State of Emergency regarding Raw Sewage, Solid Waste, and Sediment Coming from Tijuana, Mexico.

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

Council District(s) Affected: Citywide

Proposed Actions:

(R-2020-181)

Declaring a Continued State of Emergency regarding Raw Sewage, Solid Waste, and Sediment Coming from Tijuana, Mexico.

City Attorney Contact: Thomas C. Zeleny

Item S500: Pure Water – Authorization for the Mayor to Award the three Pure Water Treatment Plant Construction Contracts for the North City Pure Water Phase 1 Projects Without a Requirement that All Apprentices be Registered in Joint Labor Management Apprenticeship Programs. (Added 10/30/19)

Total Estimated Cost of Proposed Action and Funding Source:

There is no cost associated with this item.

Council District(s) Affected: 1, 2, 3, 5, 6, 7.

Proposed Actions:

(R-2020-178)

Resolution authorizing the Mayor, or his designee, to award construction contracts for Phase 1 of Pure Water San Diego without a requirement that apprentices be registered in Joint Labor Management Apprenticeship Programs.

Committee Actions Taken: N/A

Public Utilities: Shauna Lorange, (858) 292-6441

City Attorney Contact: Thomas Zeleny

PROCLAMATIONS/CEREMONIAL ITEMS (NOT PRESENTED IN CHAMBERS)

Item 30: Eric Bowlby Day.

COUNCIL PRESIDENT GÓMEZ'S AND COUNCIL PRESIDENT PRO TEM BRY'S RECOMMENDATION:

Proclaiming November 8, 2019, to be "Eric Bowlby Day" in the City of San Diego.

Item 31: Bill Putnam Day.

COUNCIL PRESIDENT PRO TEM BRY'S RECOMMENDATION:

Proclaiming November 15, 2019, to be "Bill Putnam Day" in the City of San Diego.

Item 32: I Love A Clean San Diego Day.

COUNCILMEMBER CAMPBELL'S RECOMMENDATION:

Proclaiming November 7, 2019, to be "I Love A Clean San Diego Day" in the City of San Diego.

Item 33: 20th Anniversary of the San Diego Asian Film Festival.

COUNCILMEMBER CATE'S AND COUNCILMEMBER SHERMAN'S RECOMMENDATION:

Proclaiming November 9, 2019, as the "20th Anniversary of the San Diego Asian Film Festival" 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: City Council Consideration of City Charter Amendment proposed by Women Occupy San Diego regarding the establishment of an independent Commission on Police Practices for purposes of collective bargaining.

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-2020-188)

Resolution directing the City's Management Team for labor negotiations to engage in collective bargaining with the City's recognized employee organizations on a proposed City Charter amendment related to the establishment of a Commission on Police Practices.

This item is not subject to the Mayor's veto; pursuant to Charter Section 295(d).

Committee Actions Taken:

This item was heard at the Public Safety and Livable Neighborhoods Committee meeting on 10/23/2019.

ACTION: Motion by Chair Montgomery, second by Councilmember Moreno to move to forward the proposed ballot measure amending Charter Sections 40 and 41 and adding Charter Section 41.2 related to the establishment of a Commission on Police Practices to the Council to determine if they want to authorize meet and confer of the proposed ballot measure, as drafted by the Office of the City Attorney, so that it could be considered for the November 2020 ballot after the meet and confer process concludes, with the following changes: Section 4.2, paragraph P-11 last sentence, add the following:

- The Commission will not review, evaluate or investigate a complaint where the complainant has requested that the complaint be handled without review, evaluation or investigation or where no specific allegation or police officer can be identified.

Section 4.2, paragraph P-14, last sentence strike in its entirety:

•The Commission may, but is not required, to review, evaluate, and investigate any other allegations of concern about the Police Department or its officers, when a written complaint is received by the Commission or the Police Department.

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

Council District 4: Cloe Triplett, (619) 236-7030

City Attorney Contact: Joan F. Dawson

ADOPTION AGENDA

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

Item 331: Proposed Revisions to the Municipal Code and Fees Related to the Massage Industry.

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 request to approve an expenditure related to this action. Please see staff report for information related to the cost recovery fee revenue.

Council District(s) Affected: Citywide.

Proposed Actions:

Subitem-A: (O-2020-59)

Introduction of an Ordinance amending Chapter 3, Article 3, Division 35 of the San Diego Municipal Code by amending Sections 33.3501 and 33.3502; amending and retitling Sections 33.3503, 33.3504, and 33.3507; amending Section 33.3508; amending and retitling Sections 33.3509 and 33.3510; amending Section 33.3511; amending and retitling Sections 33.3512 and 33.3513; amending Section 33.3514; amending and retitling Sections 33.3515, 33.3516, 33.3517, and 33.3518; retitling Section 33.3521; amending Sections 33.3522 and 33.3523; amending and retitling Sections 33.3524 and 33.3525; amending Section 33.3526; and adding new Section 33.3527, all relating to massage.

Subitem-B: (R-2020-186)

Resolution approving the new massage establishment and sole practitioner massage establishment fees. Directing the City Clerk to amend the fee

schedule on file in the City Clerk's Office to include the new massage establishment and sole practitioner massage establishment fees, as reflected in Resolution Attachment A.

Committee Actions Taken:

This item was heard at the Public Safety and Livable Neighborhoods Committee meeting on 10/23/2019.

ACTION: Motion by Councilmember Cate, second by Councilmember Moreno, to approve staff recommendation to move the item forward to City Council.

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

Police: Andra Brown, (619) 531-2563

City Attorney Contact: Lara Easton

ADOPTION AGENDA

DISCUSSION, NOTICED HEARINGS:

Item 332: Hilltop & Euclid Proposed Disposition and Development Agreement.

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 is providing a residual receipts loan to the developer in an amount not-to-exceed \$5,850,000. \$2,480,394 from Central Imperial, Centre City, Horton Plaza, and North Bay housing bonds and \$3,369,606 from the Low- and Moderate-Income Asset Fund.

Council District(s) Affected: 4.

Proposed Actions:

(R-2020-187)

Resolution making certain findings and determinations, and approving a Disposition and Development Agreement related to the Hilltop & Euclid Affordable Housing Project in the Southeastern San Diego Merged Redevelopment Project Area.

Committee Actions Taken: N/A

Economic Development: Christina Bibler, (619) 236-6493

City Attorney Contact: Adam Wander

NON-AGENDA ITEMS

REPORT OUT FROM CLOSED SESSION

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT