

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 10, 2020

**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
TUESDAY, NOVEMBER 10, 2020, AT 11:00 AM (Rev. 11/6/2020)
CITY ADMINISTRATION BUILDING
COUNCIL CHAMBERS – 12TH 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, 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.

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 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.

ROLL CALL

INVOCATION (Rev. 11/6/2020)

PLEDGE OF ALLEGIANCE

NON-AGENDA PUBLIC COMMENT

APPROVAL OF COUNCIL MINUTES

10/6/2020

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: Transfer of Non-Exclusive Solid Waste Collection Franchise from Dependable Disposal & Recycling to Republic Services Environmental, LLC.

Total Estimated Cost of Proposed Action and Funding Source:

There is no cost associated with this item.

Council District(s) Affected: Citywide.

Proposed Actions:

(O-2021-58)

Introduction of an Ordinance authorizing the transfer of the Class II Non-Exclusive Franchise for Solid Waste Management Services from Dependable Disposal & Recycling to Republic Services Environmental, LLC; and the execution by the Mayor, or his designee, of a consent to assignment of the franchise and franchise Agreement.

6 votes required pursuant to City Charter Section 103.

Committee Actions Taken:

This item was heard at the Environment Committee meeting on October 22, 2020.

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

VOTE: 3-0; Campbell-yea, Moreno-yea, Bry-yea, Sherman-not present.

Environmental Services: Ken Prue, (858) 492-5085

City Attorney Contact: David Krypel

ADOPTION AGENDA

CONSENT, ORDINANCES TO BE ADOPTED:

Item 51: Exemption of Three (3) Program Coordinator Positions in the Police Department from the Classified Service.

Total Estimated Cost of Proposed Action and Funding Source:

Funding for one position was included in the FY21 Homeland Security Adopted Budget and is fully grant funded. Two (2) positions are supplemental and will be funded through eliminating two Police Department budgeted Information System Administrator positions. The estimated cost for the two (2) supplemental positions is anticipated to be \$318,178.

Council District(s) Affected: Citywide.

Proposed Actions:

Adopt the following ordinance which was introduced on 10/20/2020, Item 50. (Council voted 8-1, Councilmember Moreno-nay):

(O-2021-44)

Ordinance authorizing the exemption of three Program Coordinator positions in the City's Police Department from the Classified Service, based on advisory review and favorable comment by the Civil Service Commission on June 4, 2020. These Program Coordinator positions will be responsible for formulating and administering Department policies and programs for the Support Operations Division, and overseeing the Advanced Initiatives Section in the Office of Homeland Security Division. This Action is brought under San Diego Charter Section 117(a)(17).

Committee Actions Taken: N/A

*Police: Chris Haley, (619) 531-2401
City Attorney Contact: Miguel Merrell*

Item 52: Fourth Amendment to the Lease for 525 B Street, San Diego, CA between I&G 525 B Street, LLC and the City of San Diego.

Total Estimated Cost of Proposed Action and Funding Source:

The proposed action will result in a savings to the Enterprise Fund of approximately \$456,000 and approximately \$64,000 to the Special Revenue Fund.

Council District(s) Affected: 3.

Proposed Actions:

Adopt the following Ordinance which was introduced on 10/20/2020, Item 332. (Council voted 9-0):

(O-2021-47)

Ordinance approving that certain Fourth Amendment to Lease Between I & G 525 B Street, LLC, and the City of San Diego for Office Space at 525 B Street, San Diego, and authorizing the Mayor, or his designee, to enter into and perform the Fourth Amendment to Lease.

6 votes required pursuant to City Charter Section 99.

Committee Actions Taken: N/A

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

City Attorney Contact: Delmar Williams

Item 53: 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:

Adopt the following ordinance which was introduced on 10/27/2020, Item 50. (Council voted 9-0):

(O-2021-50)

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 Udrys, (619) 236-5929

City Attorney Contact: Miguel Merrell

ADOPTION AGENDA

CONSENT, RESOLUTIONS TO BE ADOPTED:

Item 100: Contract with Ace Parking for the Balboa Park Tram Operations.

Total Estimated Cost of Proposed Action and Funding Source:

This action is for an amount not-to-exceed \$3,328,500 over the five (5) year term of the agreement. In fiscal year 2021, the tram service costs will be funded by a combination of \$402,406 from Transient Occupancy Tax revenues and the remainder will be absorbed by the General Fund from the Parks and Recreation Department operating budget.

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2021-210)

Resolution authorizing the Mayor, or his designee, to enter into a Contract with Ace Parking III, LLC, in an amount not-to-exceed \$665,700 annually, to provide Balboa Park Tram Services.

Committee Actions Taken:

This item was heard at the Environment Committee meeting on October 22, 2020.

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

VOTE: 3-0; Campbell-yea, Moreno-yea, Bry-yea, Sherman-not present.

Parks & Recreation: Michael Tully, (619) 235-5922

City Attorney Contact: Hilda R. Mendoza

Item 101: Amendment to the Contract for Legal Services with Burke, Williams & Sorensen, LLP. Relating to Dell'Anno v. City of San Diego, et al., San Diego Superior Court Case no. 37-2017-00000118-CU-OE-CTL. Risk No. 13044.

Total Estimated Cost of Proposed Action and Funding Source:

The additional funds in an amount of \$250,000 will be paid from the Public Liability Fund. The total contract amount will be \$500,000.

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2021-166)

Resolution authorizing the approval of additional funds for Burke, Williams & Sorenson, LLP, to provide further legal representation and counseling relating to the lawsuit entitled Dell'Anno v. City of San Diego, et al., San Diego Superior Court Case no. 37-2017-00000118-CU-OE-CTL. Risk No. 13044.

Committee Actions Taken: N/A

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

Item 102: Freeway Agreement with California Department of Transportation for State Route 163.

Total Estimated Cost of Proposed Action and Funding Source:

No funding is required for this action.

Council District(s) Affected: 7.

Proposed Actions:

(R-2021-218)

Resolution to authorize the Mayor, or designee, to execute a Freeway Agreement with California Department of Transportation (Caltrans) for State Route 163.

Committee Actions Taken:

This item was heard at the Active Transportation and Infrastructure Committee meeting on October 14, 2020.

ACTION: Motion by Councilmember Moreno, second by Chairperson Kersey, to recommend Council approval of staff's proposed actions.

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

Transportation & Storm Water: Gary Chui, (619) 533-3770
City Attorney Contact: Ryan P. Gerrity

Item 103: Cooperative Procurement Agreement with Motorola Solutions, Inc. for Radio System Infrastructure Network Equipment and Support Services.

Total Estimated Cost of Proposed Action and Funding Source:

This action is for an amount not-to-exceed \$25 million over the five-year term; to be funded by various funds utilizing radio services (Wireless Communications Technology Fund, General Fund, etc.)

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2021-102)

Resolution authorizing the Mayor, or his designee, to enter into a cooperative procurement contract with Motorola Solutions, Inc., in an amount not-to-exceed \$25,000,000, for Radio Network Interoperability Communications Equipment and Operational Support Services, leveraging the County of San Diego's agreement with Motorola Solutions, Inc.

Committee Actions Taken:

This item was heard at the Budget and Government Efficiency Committee meeting on October 14, 2020.

ACTION: Motion by Councilmember Campbell, second by Councilmember Montgomery, to recommend Council approval of staff's proposed actions.

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

*Department of Information Technology: Jonathan Behnke, (619) 533-3637
City Attorney Contact: Steven Lastomirsky*

Item 104: Authorization to Enter into As-Needed Citywide Cooperative Agreements with AT&T, Cellco Partnership d/b/a Verizon Wireless ("Verizon"), and T-Mobile USA, Inc. for Cellular Equipment and Services.

Total Estimated Cost of Proposed Action and Funding Source:

This action is for combined agreement amounts not-to-exceed twenty million dollars (\$20,000,000) during the term of the agreements, beginning January 1, 2021 through June 30, 2024. This includes 63% projected spend from General Fund Departments and 37% projected spend from Non-General Fund Departments.

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2021-175)

Resolution authorizing the Mayor, or his designee, to execute, for and on behalf of the City, three separate Participating Addenda under the NASPO ValuePoint Wireless Communication Services Master Agreements: MA-149-1 (with AT&T Corp.), MA152 (with Cellco Partnership d/b/a Verizon Wireless), and MA 176 (with T-Mobile USA, Inc.) to provide as-needed wireless equipment and services, with a cumulative, total amount not-to-exceed Twenty Million Dollars (\$20,000,000) during a term beginning January 1, 2021 and extending through June 30, 2024.

Committee Actions Taken:

This item was heard at the Budget and Government Efficiency Committee meeting on October 14, 2020.

ACTION: Motion by Councilmember Campbell, second by Councilmember Montgomery, to recommend Council approval of staff's proposed actions.

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

*Department of Information Technology: Jonathan Behnke, (619) 533-3637
City Attorney Contact: Steven Lastomirsky*

Item 105: As-Needed Environmental Services Agreements with Ascent Environmental, Inc.; Dudek; Harris & Associates, Inc.; HELIX Environmental Planning, Inc.; and RECON Environmental, Inc.

Total Estimated Cost of Proposed Action and Funding Source:

These agreements provide for compensation per an hourly fee schedule or negotiated lump sum for each specific task authorized by the Planning Department. The maximum contract amount for all 5 agreements is \$10,000,000 over 36 months with an optional 12-month extension. Other than the guaranteed minimum award of \$5,000, funds are not to be encumbered or expended until specific projects are identified and City Comptroller first furnishes a certificate demonstrating funds are available.

Council District(s) Affected: Citywide.

Proposed Actions:

Requesting the approval of five as-needed environmental services agreements to utilize consultants for tasks requiring specialized technical expertise in the preparation of the Planning Department's long-range

environmental policy and planning initiatives. Each agreement has a not-to-exceed amount of \$2,000,000 and has a thirty-six month initial term with an optional twelve month extension.

Subitem-A: (R-2021-206)

Resolution authorizing the execution of an as-needed agreement with Ascent Environmental, Inc. for environmental consultant services.

Subitem-B: (R-2021-211)

Resolution authorizing the execution of an as-needed agreement with Dudek for environmental consultant services.

Subitem-C: (R-2021-212)

Resolution authorizing the execution of an as-needed agreement with Harris & Associates, Inc. for environmental consultant services.

Subitem-D: (R-2021-213)

Resolution authorizing the execution of an as-needed agreement with Helix Environmental Planning, Inc. for environmental consultant services.

Subitem-E: (R-2021-214)

Resolution authorizing the execution of an as-needed agreement with RECON Environmental, Inc. for environmental consultant services.

Committee Actions Taken:

This item was heard at the Land Use and Housing Committee meeting on October 15, 2020.

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

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

Planning/Environmental Analysis: Elena Pascual, (619) 533-5928

City Attorney Contact: Noah Brazier

Item 106: Design Cooperative Agreement with Caltrans & Agreement for Engineering Services, Contract H207138, with Dokken Engineering for Palm Avenue & Interstate 805 Interchange Project.

Total Estimated Cost of Proposed Action and Funding Source:

The total amount of the proposed actions is \$2,959,058. The cost of the Design Cooperative Agreement with Caltrans is \$761,000 and will be funded by the Otay Mesa-East Facilities Benefit Assessment. The cost of the Agreement for Engineering Services with Dokken Engineering is \$2,198,058 and will be funded by the Otay Mesa-East Facilities Benefit Assessment, Otay Mesa-West Facilities Benefit Assessment, and Otay Mesa DIF.

Council District(s) Affected: 8.

Proposed Actions:

(R-2021-173)

Resolution authorizing the Mayor, or his designee, to (1) enter into a Design Cooperative Agreement with Caltrans, in an amount not-to-exceed \$761,000, for the completion of plans, specifications and estimates related to the Palm Avenue Interstate 805 Interchange Project, and (2) to execute an Agreement with Dokken Engineering, in an amount not-to-exceed \$2,198,058 for professional engineering services for the Palm Avenue Interstate 805 Interchange Project.

Committee Actions Taken:

This item was heard at the Active Transportation and Infrastructure Committee meeting on October 14, 2020.

ACTION: Motion by Councilmember Moreno, second by Chairperson Kersey, to recommend Council approval of staff's proposed actions.

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

Engineering & Capital Projects: Abi Palaseyed, (619) 533-4654

City Attorney Contact: Ryan P. Gerrity

Item 107: Revised Resolution Approval of Permanent Local Housing Allocation (PLHA) 5-Year Plan.

Total Estimated Cost of Proposed Action and Funding Source:

No impact to general fund as PLHA funds do not contain a matching requirement. Successful award will provide funding to augment and leverage limited resources for acquisition, construction/rehabilitation, and operations of affordable housing. Up to 5% of PLHA funds may be used for administrative costs.

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2021-220)

Resolution reapproving the City of San Diego's application for a grant from the State of California's Permanent Local Housing allocation program in an amount not-to-exceed \$34,741,098.

Committee Actions Taken: N/A

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

City Attorney Contact: Marguerite Middaugh

Item 108: Authorization for the City Attorney to Retain Nixon Peabody LLP as General Outside Disclosure Counsel.

Total Estimated Cost of Proposed Action and Funding Source:

Compensation for as needed services in an amount not to exceed \$300,000 over the 5-year term of the agreement. Compensation for General Outside Disclosure Counsel will generally be payable from the City's General Fund, however, when the Counsel's services are related to a specific transaction (e.g., the issuance of bonds), payment will be made out of bond proceeds as a cost of issuance.

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2021-205)

Resolution authorizing the City Attorney or designee to retain Nixon Peabody LLP as General Outside Disclosure Counsel.

Committee Actions Taken: N/A

Office of the City Attorney: Bret A. Bartolotta, (619) 533-5894

Item 109: Settlement of Associated General Contractors of America, San Diego Chapter, Inc. et. al. v. City of San Diego, et al., Superior Court Case No. 37-2019-00026631-CU-WM-CTL - Risk File No. 22593.

Total Estimated Cost of Proposed Action and Funding Source:

The settlement amount of \$200,000 will be paid from the Water Fund.

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2021-159)

Resolution authorizing the settlement of Associated General Contractors of America, San Diego Chapter, Inc. et. al. v. City of San Diego, et al., Superior Court Case No. 37-2019-00026631-CU-WM-CTL, challenging the 2019 bid specifications for the North City Pure Water Facility project. Risk No. 22593.

Committee Actions Taken: N/A

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

Item 110: Honorary Street Name and Waiver of Council Policy 200-10: Recognition of Col. Robert Dingeman on the 10300 Block of Aviary Drive (Intersection of Red Cedar Drive and Aviary Drive) Pursuant to San Diego Municipal Code Section 125.1130 and Council Policy 200-10.

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. Therefore, \$1000 in funding for this honorary renaming was allocated to the Transportation and Stormwater Department utilizing Community Projects, Programs, and Services (CPPS) funding on May 8, 2020.

Council District(s) Affected: 5.

Proposed Actions:

(R-2021-145)

Resolution waiving the limit on honorary street name designations under Council Policy 200-10 and designating the 10300 block of Aviary Drive in the Scripps Ranch community as Col. Robert Dingeman Drive.

Committee Actions Taken: N/A

Council District 5: Quinton Grounds, (619) 235-5297

City Attorney Contact: Ryan P. Gerrity

Item 111: 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

Proposed Actions:

(R-2021-186)

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

City Attorney Contact: David Krypel

PROCLAMATIONS/CEREMONIAL ITEMS (NOT PRESENTED IN CHAMBERS)

Item 30: Mama's Kitchen 30 Years of Service Day.

COUNCIL PRESIDENT GÓMEZ'S RECOMMENDATION:

Proclaiming November 10, 2020, to be "Mama's Kitchen 30 Years of Service Day" in the City of San Diego.

Item 31: Dr. Frederick Frye Day.

MAYOR FAULCONER'S AND COUNCILMEMBER CAMPBELL'S RECOMMENDATION:

Proclaiming November 19, 2020, to be "Dr. Frederick Frye Day" in the City of San Diego.

Item 32: Greg Hopkins Day.

COUNCILMEMBER WARD'S AND COUNCILMEMBER SHERMAN'S RECOMMENDATION:

Proclaiming November 10, 2020, to be "Greg Hopkins Day" in the City of San Diego.

Item 33: Coach Alberto Leduc Day.

COUNCILMEMBER MORENO'S RECOMMENDATION:

Proclaiming November 10, 2020, to be "Coach Alberto Leduc 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

ADOPTION AGENDA, DISCUSSION ITEMS

ADOPTION AGENDA

DISCUSSION, ORDINANCES TO BE INTRODUCED:

Item S500: Consideration of an Ordinance Regulating the City's Use, Acquisition, and Funding of Surveillance Technology. (Added 11/6/2020)

Total Estimated Cost of Proposed Action and Funding Source:

Cost has not yet been determined.

Council District(s) Affected: Citywide.

Proposed Actions:

(O-2021-69)

Introduction of an Ordinance amending Chapter 5 of the San Diego Municipal Code by adding new Article 11, Division 1, Sections 511.0101 through 511.0110, to create regulations relating to the City's use, acquisition, and funding of surveillance technology.

Committee Actions Taken:

This item was heard at the Public Safety and Livable Neighborhoods Committee meeting on July 15, 2020.

ACTION: Motion by Chair Montgomery, second by Councilmember Moreno, to direct the city attorney to work with PS&LN Committee Consultant and the Mayor's Office to prepare the legal review of the draft ordinance entitled the "Transparent and Responsible Use of Surveillance Technology Ordinance," and to draft an ordinance in the appropriate form using the substance of the ordinance docketed at the July 15, 2020, PS&LN committee to be forwarded to the City Council for discussion and consideration.

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

Council District 4: Chloe Triplett, (619) 236-6644

City Attorney Contact: Kenneth So

Item S501: Establishment of a Privacy Advisory Board. (Added 11/6/2020)

Total Estimated Cost of Proposed Action and Funding Source:

No cost associated with this action.

Council District(s) Affected: Citywide.

Proposed Actions:

(O-2021-67 Cor. Copy) (Rev. 11/9/2020)

Introduction of an Ordinance establishing a Privacy Advisory Board to advise on best practices to protect resident and visitor privacy rights in connection with the City's purchase and use of surveillance equipment and other technology that collects or stores individual data.

Committee Actions Taken:

This item was heard at the Rules Committee meeting on July 22, 2020.

ACTION: Motion by Council President Gómez, second by Councilmember Montgomery, to direct Council District 4 staff to work with the Office of Boards and Commissions and the City Attorney's Office on a proposed ordinance establishing a Privacy Advisory Commission, and for the City Attorney's Office to conduct all necessary legal analysis and draft language for the ordinance, considering the policy direction provided at PS&LN & Rules Committees and the City's governing laws for City boards and commissions and forward it to the City Council for consideration.

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

Council District 4: Chloe Triplett, (619) 236-6644

City Attorney Contact: Jennifer L. Berry

ADOPTION AGENDA

DISCUSSION, RESOLUTIONS TO BE ADOPTED:

Item 330: Appointment of City Auditor.

Total Estimated Cost of Proposed Action and Funding Source:

The recommended salary for the pending City Auditor appointee is \$215,000. The salary and additional compensation, including monthly automobile allowance (currently \$475), flexible benefits, and retirement benefits, will be paid out of the budget for the Office of the City Auditor.

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2021-219)

Resolution appointing the City Auditor and determining the City Auditor's initial, annual compensation, in accordance with San Diego Charter Sections 39.1 and 39.2.

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

Committee Actions Taken: N/A

Office of the Independent Budget Analyst: Lisa Byrne, (619) 236-5917

City Attorney Contact: Joan F. Dawson

Item 331: Exclusive Negotiation Agreement with the SDEEC LLC San Diego Energy Equity Campus for the Valencia Business Park (55115-5565 Stevens Way).

Total Estimated Cost of Proposed Action and Funding Source:

\$50,000 to the Successor Agency Property Management Fund for Non-Refundable Developer's Negotiation Payment and \$50,000 for Developer's Good Faith deposit.

Council District(s) Affected: 4.

Proposed Actions:

(R-2021-236)

Resolution of the Council of the City of San Diego approving an Exclusive Negotiation Agreement with SDEED LLC dba San Diego Energy Equity Campus for the proposed disposition and development of real property located at 5515-5565 Stevens Way in the Valencia Park Neighborhood of the Encanto Neighborhood Community Planning Area.

Committee Actions Taken:

This item was heard at the Economic Development and Intergovernmental Relations Committee meeting on October 28, 2020.

ACTION: Motion by Councilmember Montgomery, second by Councilmember Ward, to recommend Council approval of staff's proposed actions.

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

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

City Attorney Contact: Kate Malcolm

Item 332: Exclusive Negotiation Agreement with the Padres Development Team for the East Village Quarter (Tailgate Park).

Total Estimated Cost of Proposed Action and Funding Source:

The terms of the Exclusive Negotiation Agreement require the developer to submit a \$100,000 refundable good faith deposit to the Successor Agency Property Management Fund as well as a non-refundable \$50,000 negotiation payment to Civic SD for its costs on behalf of the City related to negotiating and preparing the proposed Disposition and Development Agreement.

Council District(s) Affected: 3.

Proposed Actions:

(R-2021-235)

Resolution of the Council of the City of San Diego approving an Exclusive Negotiation Agreement with Tailgate Development, LLC for property located between 12th and Imperial Avenues, and K and 14th Streets, commonly known as Tailgate Park, in the East Village Neighborhood of Downtown San Diego and related actions.

Committee Actions Taken:

This item was heard at the Economic Development and Intergovernmental Relations Committee meeting on October 28, 2020.

ACTION: Motion by Councilmember Ward, second by Councilmember Montgomery, to recommend Council approval of staff's proposed actions.

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

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

City Attorney Contact: Kate Malcolm

ADOPTION AGENDA

DISCUSSION, NOTICED HEARINGS:

Item 333: Amendments to the General Plan, Downtown Community Plan, Centre City Planned District Ordinance, Local Coastal Program and Rezone for Tailgate Park.

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:

This item amends the land use regulations for, and rezones, the 2.75 acre, two-block site bound by Imperial Avenue and 13th, K and 14th streets in the Downtown Community Plan area. The amendments include rezoning the two blocks from the Mixed Commercial District to the Ballpark Mixed-Use District, changing the overlay district on the northern block from Fine Grain to Large Floorplate, and changing the floor area ratio limits to match the remainder of the Ballpark Mixed-Use District.

Subitem-A: (R-2021-150 Cor. Copy)

Resolution certifying a Seventh Addendum to the 2006 Final Environmental Impact Report for the Downtown Community Plan, Centre City Planned District Ordinance and the Tenth Amendment to the Centre City Redevelopment Plan for the Tailgate Park Project.

Subitem-B: (R-2021-149 Cor. Copy)

Resolution approving amendments to the General Plan, Downtown Community Plan, and Local Coastal Program to the Tailgate Park land use amendments.

Subitem-C: (O-2021-45 Cor. Copy)

Introduction of an Ordinance rezoning 2.75 acres in the two blocks bound by Imperial Avenue and K, 13th, and 14th Streets within the Downtown Community Plan Area in the City of San Diego, California, from the Mixed Commercial District to the Ballpark Mixed-Use District as defined by San Diego Municipal Code Chapter 15, Article 6, Division 3; and repealing Ordinance No. O-19471, adopted on April 3, 2006, of the ordinances of the City of San Diego insofar as the same conflicts herewith.

Subitem-D: (O-2021-51)

Introduction of an Ordinance amending Chapter 15, Article 6, Division 3 of the San Diego Municipal Code by Amending figures B, C, H, J, K, and L, relating to Centre City Planned District and Tailgate Park Project in the two-block areas bounded by Imperial Avenue, K Street, 13th Street, and 14th Street.

Committee Actions Taken:

This item was heard at the Land Use and Housing Committee meeting on October 15, 2020.

ACTION: Motion by Vice-Chairperson Kersey, second by Councilmember Campbell, to recommend Council approval of staff's proposed actions.

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

Urban Division: Brad Richter, (619) 446-5147

City Attorney Contact: Noah J Brazier

Item 334: Costa Verde Revitalization - Project No. 477943.

Total Estimated Cost of Proposed Action and Funding Source:

None with this action. All costs associated with the processing of this project are paid from a deposit account maintained by the applicant.

Council District(s) Affected: 1.

Proposed Actions:

The project proposes amendments to the General Plan, University Community Plan, and Costa Verde Specific Plan; Planned Development Permit, Site Development Permit and Neighborhood Development Permit amending Planned Development Permit and Planned Commercial Development Permit; Vesting Tentative Parcel Map; and Public Right-of-Way and Easement Vacations. These actions would allow for modifications of, and additions to, a 13.9-acre-site, currently developed with approximately 178,000 square feet (SF) of commercial/retail uses, located at 8650 Genesee Avenue within the University Community Plan area. Additions to the project site include approximately 360,000 SF of research and development, 40,000 SF of office uses, and re-designating an approximately one-acre portion of the project site as Visitor Commercial to reintroduce a hotel use to the Costa Verde Specific Plan area and allow for a 200-room hotel.

Subitem-A: (R-2021-200)

Resolution certifying Environmental Impact Report No. 477943/SCH No. 2016071031, and adopting the Findings, Statement of Overriding Considerations, and the Mitigation, Monitoring, and Reporting Program for the Costa Verde Revitalization Project (Project No. 477943);

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-2021-201)

Resolution approving Site Development Permit No. 2413426, Planned Development Permit No. 1677936, and Neighborhood Development Permit No. 2411303 for the Costa Verde Revitalization Project (Project No. 477943).

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

Subitem-C: (R-2021-203)

Resolution approving Vesting Tentative Parcel Map No. 2411304, Public Right-of-Way Vacation No. 2464871, and Easement Vacation No. 2413763 for the Costa Verde Revitalization Project (Project No. 477943).

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

Subitem-D: (R-2021-204)

Resolution adopting amendments to the General Plan, University Community Plan, and Costa Verde Specific Plan, Amendment No. 1677935 for the Costa Verde Revitalization Project (Project No. 477943).

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

Committee Actions Taken: N/A

Development Services: Martha Blake, (619) 446-5375

City Attorney Contact: Lindsey Sebastian

Item 335: Kearny Mesa Community Plan Update.

Total Estimated Cost of Proposed Action and Funding Source:

There are no expenditures being authorized with this action.
(Rev.11/6/2020)

Council District(s) Affected: 6, 7.

Proposed Actions:

This item requests the approval of the updated Kearny Mesa Community Plan and associated General Plan amendment, Municipal Code Amendments and Local Coastal Program Amendment, rezoning, and certification of the related Program Environmental Impact Report.

Subitem-A: (R-2021-153)

Resolution certifying Environmental Impact Report SCH. No. 2018111024 and adopting the Mitigation Monitoring and Reporting Program, Findings, and Statement of Overriding Considerations for the comprehensive update to the Kearny Mesa Community Plan.

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-B: (R-2021-151)

Resolution adopting a comprehensive update to the Kearny Mesa Community Plan and amending the General Plan to effect a comprehensive update to the Kearny Mesa Community Plan.

Subitem-C: (R-2021-152)

Resolution repealing the StoneCrest Specific Plan.

Subitem-D: (O-2021-46)

Introduction of an Ordinance rezoning 2,054 acres located within the Kearny Mesa Community Plan area in the City of San Diego, California, to the RM-2-5, RM-3-9, RM-4-10, CC-2-3, CC-2-5, CC-3-8, CC-3-9, CC-4-5, CC-4-6, CO-1-2, CV-1-2, OP-1-1, OP-2-1, OC-1-1, OR-1-1, IL-2-1, IL-3-1, IS-1-1, EMX-1, EMX-2, RMX-1, and RMX-2 zones and repealing ordinance Nos. O-17842 N.S., adopted 10-19-1992, O-17887, adopted 01-25-93, O-17912, adopted 05-17-93, O-18002, adopted 10-25-93, O-18037, adopted 02-22-94, O-18258, adopted 02-12-96, O-18865, adopted 10-16-00, O-18866, adopted 10-16-00, O-19124, adopted 11-25-02, O-19438, adopted 11-14-05, O-19818, adopted 12-2-08, AND O-21056, adopted 03-25-19 of the City of San Diego as described insofar as the same conflict herewith.

Subitem-E: (O-2021-34)

Introduction of an Ordinance amending Chapter 13, Article 1, Division 5 of the San Diego Municipal Code by amending Section 131.0531; amending Chapter 13, Article 1, Division 6 by amending Sections 131.0605 and 131.0631; and amending Chapter 13, Article 2, Division 14 by amending Section 132.1402 and adding new Diagram 132-14S, all relating to the Kearny Mesa Community Plan Update.

Committee Actions Taken:

This item was heard at the Land Use and Housing Committee meeting on September 17, 2020.

ACTION: Motion by Councilmember Sherman, second by Vice-Chairperson Kersey, to recommend Council approval of staff's proposed actions.

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

Planning: Lind, Lisa, (619) 236-6531

City Attorney Contact: Noah Brazier

NON-AGENDA ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT