

REVISED

CITY OF SAN DIEGO COUNCIL AGENDA



COUNCIL PRESIDENT

Sean Elo-Rivera • Ninth District

COUNCILMEMBERS

Joe LaCava • First District
Jennifer Campbell • Second District
Stephen Whitburn • Third District
Vacant • Fourth District
Marni von Wilpert • Fifth District
Kent Lee • Sixth District
Raul A. Campillo • Seventh District
Vivian Moreno • Eighth District

Charles Modica
Independent
Budget Analyst

Mara W. Elliott
City Attorney

Diana J. S. Fuentes
City Clerk

City Administration Building
City Council Chambers- 12th Floor
202 C Street San Diego, CA 92101

Virtual Participation: <https://sandiego.zoomgov.com/j/1600982353>
To join by telephone: Dial 1-669-254 5252 + input Webinar ID: 160 098 2353

TUESDAY, DECEMBER 12, 2023, AT 10:00 AM and 2:00 PM

FURTHER INFORMATION ON HOW TO PARTICIPATE IN THIS MEETING IS FOUND AT THE END OF THE AGENDA

Joining the Webinar and Offering Phone-in Testimony

Members of the public may participate in City Council meetings in person or virtually using the Zoom Webinar platform. Members of the public can offer public comment on agenda items or during Non-Agenda Public Comment by accessing the meeting online using a desktop computer, laptop, tablet, or Smartphone, or by calling into the meeting using a Smartphone, cellular phone, or land line. **To raise your hand via a phone-in please press *9 and unmute when the Clerk calls on you by pressing *6.** If you are participating via the webinar platform please press the raise your hand icon and the unmute button when prompted.

Please click the link below to join the webinar:

<https://sandiego.zoomgov.com/j/1600982353>

To join by telephone: Dial 1-669-254 5252

When prompted, input **Webinar ID:** 160 098 2353

LATE-ARRIVING MATERIALS

Pursuant to the Brown Act, California Government Code Section 54957.5(b), 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, Information Services Counter in the Lobby 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 "Late Arriving Materials" 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.

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.

Requests for translation services to offer public comment may be made by contacting the City Clerk at (619) 533-4000 or email to: cityclerk@sandiego.gov. The City is committed to addressing language translation requests swiftly in order to maximize public participation. [For more information on how to participate and comment on an issue at Council meetings, click this link.](#)

Las solicitudes de servicios de traducción para ofrecer comentarios públicos se deberán hacer poniéndose en contacto con la City Clerk al (619) 533-4000 o por correo electrónico a: cityclerk@sandiego.gov. La ciudad se compromete a responder rápidamente a las solicitudes de traducción de idiomas con el fin de maximizar la participación del público. [Para obtener más información sobre cómo participar y expresar comentarios sobre un asunto en las juntas del Concejo, haga clic en este enlace.](#)

Upang kayo ay matulungan na maisalin sa wikang Ingles ang inyong mga puna, mungkahi, o komento para sa Bayan ng San Diego, maaari pong makipag-ugnayan sa City Clerk sa telepono (619-533-4000) o email (cityclerk@sandiego.gov). Hangad ng Pamahalaang Bayan ng San Diego ang inyong pakikilahok sa usapang pambayan at handa itong magbigay ng agarang tulong na kinakailangan sa pagsasaling-wika ng inyong mga komento. [Para sa higit pang impormasyon tungkol sa kung paano sumali at magbigay ng komento sa item sa mga pagpupulong ng Konseho, mangyaring i-click ang sumusunod na link.](#)

Cần dịch vụ thông dịch để phát biểu ý kiến trước công chúng, xin hãy liên hệ với City Clerk (Thư Ký Thành Phố) theo số (619) 533-4000 hoặc email đến cityclerk@sandiego.gov. Thành phố cam kết sẽ giải quyết các yêu cầu thông dịch một cách nhanh chóng để gia tăng sự tham dự của công chúng. [Để biết thêm thông tin về cách tham gia và đưa ra ý kiến về một mục tại các cuộc họp của Hội đồng, xin vui lòng nhấp vào liên kết dưới đây.](#)

يمكن تقديم طلبات خدمات الترجمة لتقديم تعليقات عامة عن طريق الاتصال بكاتب المدينة على (619) 533-4000 أو <mailto:cityclerk@sandiego.gov> تلتزم المدينة بمعالجة طلبات الترجمة اللغوية بسرعة من أجل زيادة المشاركة العامة [لمزيد من المعلومات حول كيفية المشاركة والتعليق على أي موضوع في اجتماعات المجلس، يرجى الضغط على الرابط التالي](#)

パブリックコメントを要求するための翻訳サービス依頼は、市の書記（電話：619-533-4000またはメール：<mailto:cityclerk@sandiego.gov>）に連絡することによって行うことができます。市は、市民の参加を最大化するために、言語翻訳の依頼に対応することに取り組んでいます。審議会の参加方法や議案への意見提供方法についての詳細は、以下のリンクをクリックしてください。

샌디에고 시에 의견을 보내시기 위해 번역 서비스가 필요하시면 시 서기 사무실 (619) 533-4000 또는 <mailto:cityclerk@sandiego.gov>로 연락주시기 바랍니다. 시는 대중의 참여를 극대화하기 위해 언어 번역 요청을 신속하게 처리하려고 최선을 다하고 있습니다. [시의회 회의에 참여하는 것과 안건 항목에 대해 의견을 제의하는 것에 관한 자세한 정보를 원하시면 다음의 링크를 클릭하십시오.](#)

為了鼓勵更多市民參與 '公眾意見'，市政府設定了快捷的中文翻譯服務。如你有任何關於 '公開意見' 想發表，請致電: (619) 533-4000，或電郵 cityclerk@sandiego.gov 我們會為你翻譯。 [有关如何参加市议会会议并就项目发表意见的更多信息，请点击以下链接。](#)

“ການຮ້ອງຂໍບໍລິການນາຍແປພາສາເພື່ອສະເໜີຄໍາຄິດເຫັນຕໍ່ສາທາລະນະອາດສາມາດເຮັດໄດ້ໂດຍການຕິດຕໍ່ຫາ **City Clerk** ທີ່ (619) 533-4000 ຫຼືສົ່ງອີເມວຫາ: cityclerk@sandiego.gov. **City** ມີຄວາມມຸ່ງມັ້ນທີ່ຈະແກ້ໄຂຄໍາຮ້ອງຂໍໃຫ້ແປພາສາຢ່າງໄວເພື່ອໃຫ້ບະຣາຊົນມີສ່ວນຮ່ວມສູງສຸດ.”
[ສໍາລັບຂໍ້ມູນເພີ່ມເຕີມກ່ຽວກັບວິທີການເຂົ້າຮ່ວມ ແລະ ສະແດງຄໍາຄິດເຫັນກ່ຽວກັບລາຍການການປະຊຸມສະພາ ກະລຸນາກົດລິງຄ໌ຕໍ່ໄປນີ້](#)

NOTICE: THE CITY COUNCIL MAY TAKE ANY ACTION WITH RESPECT TO THE ITEMS INCLUDED ON THIS AGENDA. RECOMMENDATIONS MADE BY STAFF DO NOT LIMIT ACTIONS THAT THE CITY COUNCIL MAY TAKE. MEMBERS OF THE PUBLIC SHOULD NOT RELY UPON THE RECOMMENDATIONS OF STAFF AS DETERMINATIVE OF THE ACTION THE CITY COUNCIL MAY TAKE ON A PARTICULAR MATTER.

OTHER LEGISLATIVE MEETINGS

The **SAN DIEGO HOUSING AUTHORITY** is scheduled to meet today. A separate agenda is published for it, and is available online and in the Kiosk located in front of the City Administration Building, 202 C Street SD, CA 92101. For more information, please contact the Housing Authority Secretary at (619) 578-7550. Internet access to the agenda is available at:

<https://sdhc.org/governance-legislative-affairs/housing-authority-of-the-city-of-san-diego/meeting/>

TUESDAY, DECEMBER 12, 2023 AT 10:00 AM

ROLL CALL

PLEDGE OF ALLEGIANCE

REQUEST FOR CONTINUANCE BY A COUNCILMEMBER FOR ITEMS SCHEDULED DURING THE MORNING MEETING

APPROVAL OF COUNCIL MINUTES

10/30/2023

10/31/2023

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 WITH RESOLUTIONS TO BE ADOPTED:

Item 60: Approval of the Joint Use Agreements Between the City and San Diego Unified School District for Audubon K-8, Dana Middle, Garfield Elementary, Language Academy, Marston Middle, and Standley Middle Schools.

Total Estimated Cost of Proposed Action and Funding Source:

The City's annual maintenance of these joint use facilities per the terms of the agreements is included in the current Parks and Recreation Annual Department Budget.

The City's one-time expense for the Language Academy synthetic turf replacement project is included in the Parks and Recreation FY 24 Annual Department Budget.

Council District(s) Affected: 2, 3, 4, 6, 9.

Proposed Actions:

Subitem-A: (O-2024-45 Cor.Copy) **(Rev.12/6/23)**

Introduction of an Ordinance authorizing the Mayor, or his designee, to enter into Agreements with the San Diego Unified School District to provide operation, maintenance, and use of joint use facilities at 6 schools in San Diego (Audubon K - 8, Dana Middle School, Garfield Elementary School, Marston Middle School, Standley Middle School, and the Language Academy).

Subitem-A: 6 votes required pursuant to Charter Section 99.

Subitem-B: (R-2024-217 Cor.Copy) **(Rev.12/6/23)**

Resolution determining that the joint use agreements at Audubon K - 8, Dana Middle School, Garfield Elementary School, Marston Middle School, Standley Middle School, and the Language Academy, are exempt from the

California Environmental Quality Act Pursuant to Sections 15301 and 15323 of the CEQA Guidelines.

Committee Actions Taken:

This item was heard at the Community and Neighborhood Services Committee meeting on November 2, 2023.

ACTION: Motion by Committee Member Whitburn, second by Vice Chair Elo-Rivera, to recommend Council approval of staff's proposed actions.

VOTE: 3-0; Campbell-yea, Elo-Rivera-yea, Whitburn-yea, Campillo-not present.

Parks & Recreation: Shannon Scoggins, (619) 236-6894
City Attorney Contact: Catherine Morrison

ADOPTION AGENDA

CONSENT, RESOLUTIONS TO BE ADOPTED:

Item 100: Authorize the Creation of the Citywide Homeless Shelters Project (CIP L-24002) to the Capital Improvements Program and the Transfer of \$1,050,000 from the Infrastructure Fund to CIP L-24002.

Total Estimated Cost of Proposed Action and Funding Source:

An estimated \$8.2 million would be required for the site improvements and emergency shelter set-up under phase one. This action allocates \$1.05 million to the initial phase of the project, L-24002.1, from fiscal year 2024 funds, including \$1,050,000 from Fund 100012, Infrastructure Fund. Further funding will need to be identified and requested at a later date.

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2024-237)

Resolution approving the addition of the Citywide Homeless Shelters Project (CIP L-24002) to the Capital Improvements Program and the transfer of \$1,050,000 from the Infrastructure Fund to the Citywide Homeless Shelters Project (CIP L-24002).

Committee Actions Taken:

This item was heard at the Land Use and Housing Committee meeting on November 16, 2023.

ACTION: Motion by Committee Member Whitburn, second by Vice Chair LaCava, to recommend Council approval of staff's proposed actions.

VOTE: 3-0; Moreno-yea, LaCava-yea, Whitburn-yea, Lee-not present.

Homelessness Strategies: Sarah Jarman, (619) 385-6963

City Attorney Contact: Jose A Garcia

Item 101: Approval of Fiscal Year 2024 City Council Allocations of Arts, Culture and Community Festivals (ACCF) Funding Awards, Pursuant to Council Policy 100-23, to Nonprofit Organizations with Existing Contracts with the City of San Diego's Commission for Arts And Culture.

Total Estimated Cost of Proposed Action and Funding Source:

An aggregate amount not-to-exceed \$236,150, in previously budgeted Arts, Culture, and Community Festival (ACCF) funds, pursuant to various recommended allocations by Council Districts 1, 2, 3, 4, 5, 6, 7, and 9.

Council District(s) Affected: 1, 2, 3, 4, 5, 6, 7, 9.

Proposed Actions:

(R-2024-238)

Resolution approving Fiscal Year 2024 City Council allocations of Arts, Culture and Community Festivals (ACCF) funding awards, pursuant to Council Policy 100-23, to nonprofit organizations with existing contracts with the City of San Diego's Commission for Arts and Culture.

Committee Actions Taken: N/A

Council Administration: Abigail Edwards, (619) 236-5918

City Attorney Contact: Justin Bargar

Item 102: Approval of a Request for a Conflict-of-Interest Waiver from Lieb & Lieb.

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

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2024-191)

Resolution granting the waiver of potential conflicts of interest requested by Lieb & Lieb and consenting to Lieb & Lieb's joint representation of Orion Construction and the City of San Diego in SDG&E v. Orion Construction, et al., San Diego Superior Court Case No. 37-2022-00035613-CU-PO-CTL.

Committee Actions Taken: N/A

Office of the City Attorney: Jon Taylor, (619) 235-5898

Item 103: Resolution Approving a Side Letter Agreement to Amend Article 22 of the Memorandum of Understanding Between the City of San Diego and the San Diego City Firefighters, I.A.F.F. Local 145 Related to the Flexible Benefits Plan.

Total Estimated Cost of Proposed Action and Funding Source:

The anticipated financial impact in calendar year 2024 of the flexible benefit increases discussed above is approximately \$321,136 to the General Fund and \$2,739 to the EMS Fund. The department will absorb the cost through its operating budget.

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2024-231)

Resolution approving a Side Letter Agreement between the City of San Diego and the San Diego City Firefighters, I.A.F.F., Local 145, to amend Article 22 of the Memorandum of Understanding related to the Flexible Benefits Plan.

6 votes required pursuant to Charter Section 11.2.

Committee Actions Taken: N/A

Human Resources: Manuel Quintero, (619) 379-5583

City Attorney Contact: Miguel Merrell

Item 104: Settlement of Arthur Price, et al. v. City of San Diego, San Diego Superior Court No. 37-2020-00019535-CU-MC-CTL, Claim No. 25201.

Total Estimated Cost of Proposed Action and Funding Source:

Settlement amount of \$100,000.00 will be paid from Public Liability Fund.

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2024-220)

Resolution authorizing the settlement of Arthur Price, et al. v. City of San Diego, San Diego Superior Court No. 37-2020-00019535-CU-MC-CTL, related to a claim of alleged discrimination in accessing homeless programs and activities during COVID-19. Claim No. 25201.

Committee Actions Taken: N/A

Office of the City Attorney: Elizabeth L. Atkins, (619) 236-6508

Item 105: Appointments and Reappointments to the International Affairs Board and Member Seat Redesignation.

Total Estimated Cost of Proposed Action and Funding Source:

There are no City expenditures being authorized with this action.

Council District(s) Affected: 1, 2, 3, 5, 6, 7, 9.

Proposed Actions:

(R-2024-232)

Resolution confirming the Mayor's appointments and reappointments to the International Affairs Board and redesignation of certain member seats.

Committee Actions Taken: N/A

Office of Boards and Commissions: Chida Warren-Darby, (619) 533-3940

City Attorney Contact: Justin Bargar

Item 106: Resolution Excusing Councilmember Vivian Moreno from the City Council Meetings Held on October 9, 2023, October 10, 2023, October 16, 2023 and October 17, 2023.

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

Council District(s) Affected: 8.

Proposed Actions:

(R-2024-226)

Resolution excusing the absence of Councilmember Vivian Moreno from City Council meetings.

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

Committee Actions Taken: N/A

Council District 8: Kevin Smith, (619) 236-6688

City Attorney Contact: Jose A. Garcia

Item S501:

Resolutions Approving the Side Letter Agreements Between the City of San Diego and the San Diego Police Officers Association; San Diego City Firefighters, I.A.F.F. Local 145; California Teamsters Local 911; San Diego Municipal Employees Associations; and the American Federation of State, County and Municipal Employees, Local 127; to Amend the Memoranda of Understanding Related to Paid Sick Leave for Hourly Employees. (Added 12/7/23)

Total Estimated Cost of Proposed Action and Funding Source:

There are no known fiscal impacts at this time.

Council District(s) Affected: Citywide.

Proposed Actions:

Subitem-A: (R-2024-253)

Resolution approving a Side Letter Agreement between the City of San Diego and the San Diego Police Officers Association, to amend Article 77 of the Memorandum of Understanding related to paid sick leave for hourly employees.

Subitem-A: 6 votes required pursuant to Charter Section 11.2.

Subitem-B: (R-2024-254)

Resolution approving a Side Letter Agreement between the City of San Diego and the San Diego City Firefighters, International Association of Firefighters, Local 145, to amend Article 28 of the Memorandum of Understanding related to paid sick leave for hourly employees.

Subitem-B: 6 votes required pursuant to Charter Section 11.2.

Subitem-C: (R-2024-255)

Resolution approving a Side Letter Agreement between the City of San Diego and the California Teamsters Local 911, to amend Article 80 of the Memorandum of Understanding related to paid sick leave for hourly employees.

Subitem-C: 6 votes required pursuant to Charter Section 11.2.

Subitem-D: (R-2024-256)

Resolution approving a Side Letter Agreement between the City of San Diego and the San Diego Municipal Employees Association, to amend Article 86 of the Memorandum of Understanding related to paid sick leave for hourly employees.

Subitem-D: 6 votes required pursuant to Charter Section 11.2.

Subitem-E: (R-2024-257)

Resolution approving a Side Letter Agreement between the City of San Diego and the American Federation of State, County and Municipal Employees, AFL-CIO, Local 127, to amend Article 72 of the Memorandum of Understanding related to paid sick leave for hourly employees.

Subitem-E: 6 votes required pursuant to Charter Section 11.2.

Committee Actions Taken: N/A

Human Resources: Linda Chambers, (619) 951-6896

City Attorney Contact: Miguel Merrell

Item S502:

Resolutions Approving Side Letter Agreements Between the City of San Diego and its Recognized Employee Organizations to Amend the Memoranda of Understanding Regarding Bereavement Leave for Reproductive Loss Events, and to Extend the Same Benefit to Unrepresented Employees. (Added 12/7/23)

Total Estimated Cost of Proposed Action and Funding Source:

There are no known fiscal impacts.

Council District(s) Affected: Citywide.

Proposed Actions:

Subitem-A: (R-2024-243)

Resolution approving a Side Letter Agreement between the City of San Diego and the San Diego Police Officers Association, to amend Article 69 of the Memorandum of Understanding related to bereavement leave for reproductive loss events.

Subitem-A: 6 votes required pursuant to Charter Section 11.2.

Subitem-B: (R-2024-245)

Resolution approving a Side Letter Agreement between the City of San Diego and the San Diego City Firefighters, International Association of Firefighters, Local 145, to amend Article 28 of the Memorandum of Understanding related to bereavement leave for reproductive loss events.

Subitem-B: 6 votes required pursuant to Charter Section 11.2.

Subitem-C: (R-2024-246)

Resolution approving a Side Letter Agreement between the City of San Diego and the California Teamsters Local 911, to amend Article 76 of the Memorandum of Understanding related to bereavement leave for reproductive loss events.

Subitem-C: 6 votes required pursuant to Charter Section 11.2.

Subitem-D: (R-2024-248)

Resolution approving a Side Letter Agreement between the City of San Diego and the San Diego Municipal Employees Association, to amend Article 83 of the Memorandum of Understanding related to bereavement leave for reproductive loss events.

Subitem-D: 6 votes required pursuant to Charter Section 11.2.

Subitem-E: (R-2024-249)

Resolution approving a Side Letter Agreement between the City of San Diego and the American Federation of State, County and Municipal Employees, AFL-CIO, Local 127, to amend Article 25 of the Memorandum of Understanding related to bereavement leave for reproductive loss events.

Subitem-E: 6 votes required pursuant to Charter Section 11.2.

Subitem-F: (R-2024-244)

Resolution approving a Side Letter Agreement between the City of San Diego and the Deputy City Attorneys Association of San Diego, to amend Article 9 of the Memorandum of Understanding related to bereavement leave for reproductive loss events.

Subitem-F: 6 votes required pursuant to Charter Section 11.2.

Subitem-G: (R-2024-247)

Resolution expanding bereavement leave for reproductive loss events for unrepresented City of San Diego employees.

Committee Actions Taken: N/A

Human Resources: Scott Harris, (619) 707-0653

City Attorney Contact: Miguel Merrell

**NON-AGENDA COMMUNICATIONS FROM MAYOR, COUNCIL, INDEPENDENT BUDGET
ANALYST, CITY CLERK, CITY ATTORNEY**

PROCLAMATIONS/CEREMONIAL ITEMS (NOT PRESENTED AT THE MEETING)

Item 30: Peter Seidler Day.

MAYOR GLORIA, COUNCIL PRESIDENT ELO-RIVERA, COUNCILMEMBER
WHITBURN, AND COUNCILMEMBER CAMPILLO'S RECOMMENDATION:
(Rev. 12/6/23)

Proclaiming December 14, 2023, to be "Peter Seidler Day" in the City of San Diego.

Item 31: Kathryn Burton Day.

COUNCILMEMBER LACAVA'S RECOMMENDATION:

Proclaiming December 12, 2023, to be "Kathryn Burton Day" in the City of San Diego.

Item 32: San Carlos Library 50th Anniversary Day.

COUNCILMEMBER CAMPILLO'S RECOMMENDATION:

Proclaiming January 13, 2024, to be "San Carlos Library 50th Anniversary Day" in the City of San Diego.

Item 33: Judge Michael T. Smyth Day.

COUNCILMEMBER CAMPILLO'S RECOMMENDATION:

Proclaiming December 31, 2023, to be "Judge Michael T. Smyth Day" in the City of San Diego.

Item 34: Gene Elmore Day.

COUNCILMEMBER CAMPILLO'S RECOMMENDATION:

Proclaiming December 31, 2023, to be "Gene Elmore Day" in the City of San Diego.

Item 35: Rosa Melendrez Day.

COUNCILMEMBER CAMPILLO'S RECOMMENDATION:

Proclaiming January 2, 2024, to be "Rosa Melendrez Day" in the City of San Diego.

Item S500: Jessica Anderson Day. (Added 12/6/23)

MAYOR GLORIA, COUNCILMEMBER LACAVA, AND COUNCILMEMBER LEE'S
RECOMMENDATION:

(Rev. 12/8/23)

Proclaiming December 12, 2023, to be "Jessica Anderson Day" in the City of San Diego.

SPECIAL ORDERS OF BUSINESS

None.

ITEMS PULLED FROM CONSENT BY COUNCILMEMBERS

INFORMATION AND ADOPTION AGENDA ITEMS (10AM SESSION)

Item 330: Authorization to Apply for the Local Assistance Specified Grant Program, Administered by the California Department of Parks and Recreation.

This item will be considered in the morning session which is scheduled to begin at 10:00 a.m.

Total Estimated Cost of Proposed Action and Funding Source:

\$150,000 in State grant funds will be added to Ruffin Canyon Trail fund.

Council District(s) Affected: 3, 5, 7, 9.

Proposed Actions:

Subitem-A: (R-2024-171)

Resolution authorizing the Mayor, or designee, to make an application to the California Department of Parks and Recreation Office of Grants and Local Services –Specified Grant Program and take all necessary actions to secure funding in an amount not-to-exceed \$150,000 in Fund 600001 Grant Fund – State for construction and improvements to the Ruffin Canyon Trail (Project); and

Authorizing the Chief Financial Officer to accept, appropriate, and expend an amount not to exceed \$150,000 in Grant Program funding for the Project, contingent upon receipt of a fully executed Grant Agreement if the Grant funding is secured; and for all related actions.

Subitem-B: (R-2024-61)

Resolution authorizing the Mayor, or designee, to approve amending Resolution No. R-314776 to include a statement that the Council certifies it has or will have available, prior to commencement of project work utilizing specified grant funds, sufficient funds, including those provided by the grant, to complete the projects; and for all related actions.

Committee Actions Taken: N/A

Parks & Recreation: Andy Field, (619) 235-1110

City Attorney Contact: Jane M. Boardman

Item 331: Approval to Accept, Appropriate, and Expend Round 3 State of California Encampment Resolution Funding Grant.

This item will be considered in the morning session which is scheduled to begin at 10:00 a.m.

Total Estimated Cost of Proposed Action and Funding Source:

Authorize the Mayor, or designee, to accept, appropriate, and expend ERF-3-L funds in an amount not to exceed \$3,156,000.

Council District(s) Affected: 9.

Proposed Actions:

(R-2023-224)

Resolution authorizing the acceptance, appropriation, and expenditure of Round 3 funding from the State of California Encampment Resolution Funding Grant Program and related actions.

Committee Actions Taken: N/A

Homelessness Strategies: Sarah Jarman, (619) 385-6963

City Attorney Contact: Heather Ferbert

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 Rule 2.7.2, Non-Agenda Public Comment is 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. Additionally, non-agenda public comment during the 10am session may be limited to 30 minutes at the discretion of the Council President for meeting management purposes. If some Non-Agenda Public Comment is trailed, any remaining speakers will be given an opportunity to speak during the 2pm session after Council concludes the Information and Adoption agenda items for the day.

TUESDAY, DECEMBER 12, 2023 AT 2:00 PM

ROLL CALL

REQUEST FOR CONTINUANCE BY A COUNCILMEMBER FOR ITEMS TRAILED FROM MORNING OR ITEMS SCHEDULED FOR AFTERNOON SESSION

INFORMATIONAL ITEMS

Item 332: Fiscal Year 2024 First Quarter Budget Monitoring Report.

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 fiscal considerations. This is an informational report only.

Council District(s) Affected: Citywide.

Proposed Actions: This item is informational only.

Committee Actions Taken: N/A

Department of Finance: Ambar Gutierrez, (619) 533-6297

Item 333: Fiscal Year 2025-2029 Five-Year Financial Outlook.

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 is for information only.

Council District(s) Affected: Citywide.

Proposed Actions: This item is informational only.

Committee Actions Taken: N/A

Department of Finance: Trisha Tacke, (619) 236-6371:

Item 334: Public Utilities Fiscal Year 2025-2029 Five-Year Financial Outlook.

This item will be considered in the afternoon session which is scheduled to begin at 2:00 p.m.

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

Council District(s) Affected: Citywide.

Proposed Actions: This item is informational only.

Committee Actions Taken: N/A

Public Utilities: Adam Jones, (858) 614-4030

ADOPTION AGENDA, DISCUSSION ITEMS

ADOPTION AGENDA

DISCUSSION, RESOLUTIONS TO BE ADOPTED:

Item S503: Appointment and Compensation of an Interim Executive Director for the Commission on Police Practices. (Added 12/7/23)

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 recommended compensation for the pending interim Executive Director of the Commission on Police Practices appointee is an hourly wage of \$116.86 and will be paid out of the General Fund.

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2024-258)

Appointing Danell Scarborough as the Executive Director of the Commission on Police Practices on an interim basis and establishing her compensation in the position.

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

Committee Actions Taken: N/A

Council District 9: Luz Anaya Luna, (619) 236-6699

City Attorney Contact: Joan F. Dawson

ADOPTION AGENDA

DISCUSSION, NOTICED HEARINGS:

Item 335: Housing Action Package 2.0 - Proposed Amendments to the Land Development Code, Local Coastal Program, and Resolution R-313282 (Neighborhood Enhancement Fund).

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:

Costs associated with implementation of this ordinance would be covered by project applicants.

Council District(s) Affected: Citywide.

Proposed Actions:

This action proposes the adoption of the Housing Action Package 2.0 (HAP 2.0). HAP 2.0 amends the San Diego Municipal Code by implementing recently adopted state law, revising accessory dwelling unit regulations, and amending existing affordable housing programs, including, but not limited to, Complete Communities Housing Solutions, to encourage new homes on public and private land and for a variety of housing product types, including families, students, and individuals. HAP 2.0 also phases out previously conforming incompatible uses located near residential uses within the San Diego Promise Zone. Ordinance amending the Land Development Code and Local Coastal Program, Resolution amending the Neighborhood Enhancement In Lieu Fee, and Resolution determining the approval of amendments revising the City's Accessory Dwelling Unit Home Density Program is exempt from the California Environmental Quality Act pursuant to Section 15282(h).

Subitem-A: (O-2024-41 **Cor. Copy 3**) **(Rev. 12/8/23)**

Introduction of an Ordinance amending Chapter 11, Article 3, Division 1 of the San Diego Municipal Code by amending Section 113.0103; amending Chapter 12, Article 7, Division 1 by amending Section 127.0108 and adding Section 127.0112; amending Chapter 13, Article 1, Division 4 by amending Sections 131.0420, 131.0422, and 131.0449; amending Chapter 13, Article 1,

Division 5 by amending Section 131.0522; amending Chapter 13, Article 1, Division 7 by amending Section 131.0707; amending Chapter 14, Article 1, Division 3 by retitling and amending Sections 141.0302 and 141.0305 and adding Section 141.0319; amending Chapter 14, Article 2, Division 5 by amending Sections 142.0501, 142.0505, 142.0520, and 142.0525, retitling and amending Section 142.0528, amending Section 142.0530, and retitling and amending Section 142.0531; amending Chapter 14, Article 2, Division 6 by amending Section 142.0640; amending Chapter 14, Article 2, Division 13 by amending Section 142.1304; amending Chapter 14, Article 3, Division 7 by amending Sections 143.0720, 143.0740, 143.0745, and 143.0746, and adding Section 143.0747; amending Chapter 14, Article 3, Division 8 by amending Sections 143.0810, 143.0815, 143.0820, 143.0830, 143.0840, 143.0850, and 143.0860; amending Chapter 14, Article 3, Division 10 by amending Sections 143.1005, 143.1010, 143.1015, and 143.1025; amending Chapter 14, Article 3, Division 12 by amending Sections 143.1201 and 143.1203, repealing Section 143.1205, and amending Sections 143.1207 and 143.1212; amending Chapter 14, Article 4, Division 5 by amending Section 144.0505, all relating to the Homes for All of Us: Housing Action Package 2.0 Land Development Code Amendment.

Subitem-B: (R-2024-219)

Resolution determining the approval of amendments revising the City's Accessory Dwelling Unit Home Density Bonus program is exempt from the California Environmental Quality Act pursuant to Section 15282(h) of the CEQA Guidelines.

Subitem-C: (R-2024-172)

Resolution amending the Neighborhood Enhancement In Lieu Fee.

Committee Actions Taken:

This item was heard at the Land Use and Housing Committee meeting on September 21, 2023.

ACTION: Motion by Committee Member Whitburn, second by Committee Member Lee. to recommend Council approval of staff's proposed actions with the following amendments:

1. The development impact fees for dwelling units that do not exceed 500 square feet in the proposed SDMC Sec. 143.1010(f) will take effect on January 1, 2025. However, the fee rates for units containing at least three bedrooms will take effect at the otherwise applicable earlier effective date.

2. City staff conduct a study to determine the environmental and economic effect of the following:

A comparison of the effect of proposed distance requirements for previously conforming and incompatible uses in revisions to Municipal Code Section §127.0112(a) to the distance requirements of 300 ft., 500 ft. and 1000 ft., as proposed by Environmental Health Coalition.

A comparison of the effect of the proposed list of previously conforming and incompatible uses near sensitive receptors in revisions to Municipal Code Section §127.0112(a) to additional uses as listed, as proposed by Environmental Health Coalition:

Warehouses; Distribution facilities; Heavy/light Manufacturing; Welding; Commercial/Personal Vehicle Repair and Maintenance; Recycling facilities (medium to small); Agricultural processing; Building supplies and equipment.

3. A comparison of the proposed sensitive receptors to an expanded list that includes schools, daycares, parks and medical facilities, as proposed by Environmental Health Coalition.

VOTE: 4-0; Moreno-yea, LaCava-yea, Whitburn-yea, Lee-yea.

Planning: Jeffrey Ryan, (619) 533-3945

City Attorney Contact: Lauren Hendrickson

NON-AGENDA ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT

HOW TO SPEAK TO A PARTICULAR ITEM OR DURING NON-AGENDA PUBLIC COMMENT:

Members of the public shall be given the opportunity to address the Council. The Council President may reduce the amount of time available to each speaker to appropriately manage the meeting and ensure the Council has time to consider all the agenda items. A member of the public may only provide one comment per agenda item.

Pursuant to the Levine Act (Gov't Code Section 84308), any party to a permit, license, contract (other than competitively bid, labor or personal employment contracts) or other entitlement before the Council is required to disclose on the record any contribution, including aggregated contributions, of more than \$250 made by the party or the party's agents within the preceding 12 months to any Council Member. Participants and agents are requested to make this disclosure as well. The disclosure must include the name of the party or participant and any other person making the contribution, the name of the recipient, the amount of the contribution, and the date the contribution was made.

In-Person Comment on Agenda Items

Each speaker must file a written request (speaker slip) with the City Clerk at the meeting at which the speaker wishes to speak indicating which item they wish to speak on. Speaker slips may not be turned in prior to the day of the meeting or after completion of in-person testimony. In person testimony will conclude before virtual testimony begins.

Each person who wishes to address the Council shall approach the podium and state who they are representing if they represent an organization or another person.

For meeting management during the Minutes, Proclamations, and Consent portions of the agenda, speakers will have one (1) minute per item and up to a maximum of three (3) minutes if there are three (3) or more items in that portion of the agenda.

For discussion and information items each speaker may speak up to three minutes, subject to the Council President's determination of the time available for meeting management purposes, in addition to any time ceded by other members of the public who are present at the meeting and have submitted a speaker slip ceding them time. These speaker slips should be submitted together at one time to the City Clerk. The Council President may also limit organized group presentations of five or more persons to 15 minutes or less.

Virtual Public Comment on Agenda Items

Members of the public may participate virtually (by telephone or internet streaming) as indicated below. Speakers who wish to provide virtual public comment must enter the virtual queue by raising their virtual hands before the queue closes. The queue will close when the last virtual speaker finishes speaking or five minutes after in-person testimony ends, whichever happens first.

For meeting management during the Minutes, Proclamations, and Consent portions of the agenda, speakers will have one (1) minute per item and up to a maximum of three (3) minutes if there are three (3) or more items in that portion of the agenda.

For discussion and information items each speaker may speak up to three minutes, subject to the Council President's determination of the time available for meeting management purposes. Speakers participating virtually may not allocate their time to other speakers and may not share video or visual aids (i.e. pdf, ppt, docs) during their comment period.

Quasi-Judicial Items. Organized group presentations for quasi-judicial items will be allowed up to 15 minutes per side to speak either for or against an item for a total of 30 minutes. If more than one group on the same side requests an organized presentation, the 15 minutes will be divided between each group for that side. Please contact the Project Manager as listed as the primary contact on the staff report for that item to indicate your desire to present.

Non-Agenda Public Comment

Every agenda for a regular Council meeting shall provide a period on the agenda for members of the public to address the Council on items of interest to the public that are not on the agenda but are within the jurisdiction of the Council. Non-Agenda Public Comment shall be subject to the exercise of the Council President's discretion for a given agenda. In order to ensure that the Council has time to consider all agenda items, Non-Agenda Public Comment on particular issues and for each individual speaker will be as follows:

Each speaker will be limited to two minutes. Speakers may not allocate their time to other speakers. If there are eight or more speakers on a single issue, the maximum time for the issue will be 16 minutes. The order of speaking generally will be determined on a first-come, first-served basis, however, priority may be given to speakers who have not addressed the legislative body during Non-Agenda Public Comment at the last regularly scheduled Council meeting. A member of the public may only provide one non-agenda comment per agenda.

In-Person Non-Agenda Public Comment

Each speaker who wishes to address the Council must file a written request (speaker slip) with the City Clerk at the meeting at which the speaker wishes to speak. Speaker slips may not be turned in prior to the meeting date or after completion of in-person testimony. In-person testimony shall conclude before virtual testimony begins.

Each person who wishes to address the Council shall approach the podium and state who they are representing if representing an organization or another person.

Virtual Non-Agenda Public Comment

Speakers who wish to provide virtual Non-Agenda Public Comment must enter the virtual queue by raising their virtual hands before the queue closes. The queue will close when the last virtual speaker finishes speaking or five minutes after in-person testimony ends, whichever happens first. Those participating virtually may not share video or visual aids (i.e. pdf, ppt, docs) during their non-agenda comment period.

Please note: On Tuesdays, Non-Agenda Public Comment is taken during the 10am session, but some Non-Agenda Public Comment may be trailed, at the Council President's discretion for meeting management purposes.

Comment on Agenda Items, Non-Agenda Public Comment, and Closed Session Public

Comment may also be submitted using the [webform](#) indicating the comment type and item number (if relevant) for which you wish to submit your comment. Comments received by 8:00 AM the day of the meeting will be distributed to the City Council and posted online with the meeting materials. All webform comments are limited to 500 words but may include attachments. Comments received after 8:00 AM the day of the meeting but before the item is called will be submitted into the written record for the relevant item.

Written Materials. Instead of submitting written materials as an attachment to the webform you may submit via U.S. Mail to the City Clerk's attention at 202 C Street, MS2A San Diego, CA 92101. Materials submitted via U.S. Mail must be received one business day prior to the meeting to be distributed to the City Council. Comments received via U.S. Mail on the day of the meeting will be submitted into the written record for the relevant item.

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 Spectrum or Channel 99 for AT&T U-Verse, or [view the meetings online \(link is external\)](#)