

CITY OF SAN DIEGO COUNCIL AGENDA



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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/1607807743>
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TUESDAY, JULY 16, 2024, 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

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[ສໍາລັບຂໍ້ມູນເພີ່ມເຕີມກ່ຽວກັບວິທີການເຂົ້າຮ່ວມ ແລະ ສະແດງຄໍາຄິດເຫັນກ່ຽວກັບວາຍການການປະຊຸມສະພາ ກະລຸນາກົດລົງຄໍາຕໍ່ໄປນີ້](#)

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.

PUBLIC FACILITIES FINANCING AUTHORITY is scheduled to meet today in the Council Chambers. A separate agenda is published for it, and is available in the Office of the City Clerk. For more information, please contact Bret Bartolotta at (619) 533-5894. Internet access to the agenda is available at:

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TUESDAY, JULY 16, 2024 AT 10:00 AM

ROLL CALL

LAND ACKNOWLEDGEMENT

PLEDGE OF ALLEGIANCE

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

APPROVAL OF COUNCIL MINUTES

5/20/2024

5/21/2024

5/27/2024 Adjourned

5/28/2024 Adjourned

ADOPTION AGENDA, CONSENT ITEMS

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

ADOPTION AGENDA

CONSENT, ORDINANCES TO BE INTRODUCED:

Item 50: Exemption of Eight (8) Positions in the City of San Diego From Classified Service.

Total Estimated Cost of Proposed Action and Funding Source:

All eight (8) positions are included in the Fiscal Year 2025 Adopted Budget.

Council District(s) Affected: Citywide.

Proposed Actions:

Subitem-A: (O-2024-142)

Introduction of an Ordinance authorizing the exemption of one Program Coordinator position in the City's Department of General Services from the Classified Service, based on advisory review and favorable comment by the Civil Service Commission on June 6, 2024. This position will oversee Citywide Job Order Contracting procurement and management process for Operations and Maintenance activities. This Action is brought under San Diego Charter section 117(a)(17).

Subitem-B: (O-2024-143)

Introduction of an Ordinance authorizing the exemption of three Assistant Deputy Director positions and one Deputy Director position in the City's Engineering and Capital Projects Department from the Classified Service, based on advisory review and favorable comment by the Civil Service Commission on April 4 and June 6, 2024. The Assistant Deputy Director positions will be responsible for overseeing the execution of Capital Improvement Projects related to phase one of the Pure Water Program, to include the Conveyance, Treatment, and Facilities packages. The Deputy Director position will oversee the Project Development and Management Division in the Strategic Capital Projects branch of the Department. This Action is brought under San Diego Charter section 117(a)(17).

Subitem-C: (O-2024-144)

Introduction of an Ordinance authorizing the exemption of one Program Manager position in the City's Library Department from the Classified Service, based on advisory review and favorable comment by the Civil Service Commission on June 6, 2024. This position will oversee the administration, coordination, assessment, evaluation, and strategic planning of security services for the San Diego public library system. This Action is brought under San Diego Charter section 117(a)(17).

Subitem-D: (O-2024-145)

Introduction of an Ordinance authorizing the exemption of one Program Coordinator position in the City's Parks and Recreation Department from the Classified Service, based on advisory review and favorable comment by the Civil Service Commission on June 6, 2024. This position will oversee and manage the Land Acquisition Program. This Action is brought under San Diego Charter section 117(a)(17).

Subitem-E: (O-2024-146)

Introduction of an Ordinance authorizing the exemption of one Program Manager position in the City's Environmental Services Department from the Classified Service, based on advisory review and favorable comment by the Civil Service Commission on June 6, 2024. This position will oversee the expansion of the People's Ordinance's (Measure B) automated container program and customer transition program. This Action is brought under San Diego Charter section 117(a)(17).

Committee Actions Taken:

This item was heard at the Budget and Government Efficiency Committee meeting on June 20, 2024.

ACTION: Motion by Chair Lee, second by Committee Member Foster III, to recommend Council approval of staff's proposed actions.

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

Department of Finance: Christopher Purcell, (619) 236-6775

City Attorney Contact: Miguel Merrell

Item 51: Exemption of Program Coordinator Position in SDCERS from the Classified Service.

Total Estimated Cost of Proposed Action and Funding Source:

The funding for this position is included with the SDCERS budget.

Council District(s) Affected: Citywide.

Proposed Actions:

(O-2024-147)

Introduction of an Ordinance authorizing the exemption of a Program Coordinator position in the San Diego City Employees' Retirement System from the Classified Service, based on advisory review and favorable comment by the Civil Service Commission on April 4, 2024. This position will be responsible for various benefits and administration programs. This Action is brought under San Diego Charter Section 117(a)(17).

Committee Actions Taken:

This item was heard at the Budget and Government Efficiency Committee meeting on June 20, 2024.

ACTION: Motion by Chair Lee, second by Committee Member Foster III, to recommend Council approval of staff's proposed actions.

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

SDCERS: Colin Brazile, (619) 525-3630

City Attorney Contact: Miguel Merrell

Item 52: Award of the As-Needed Dam Safety Program Management Services Agreement with GEI Consultants, Inc. (H2426345-M).

Total Estimated Cost of Proposed Action and Funding Source:

The cost of this agreement is not-to-exceed \$100,000,000 for a term of 120 months. The agreement will be funded by the Water Fund.

Council District(s) Affected: Citywide.

Proposed Actions:

(O-2024-154 Cor. Copy)

Introduction of an Ordinance approving the ten-year Agreement Between the City of San Diego and GEI Consultants, Inc. for As-Needed Dam Safety

Program Management Services in an amount not-to-exceed \$100,000,000, and related actions.

6 votes required pursuant to Charter Section 99.

Committee Actions Taken:

This item was heard at the Active Transportation and Infrastructure Committee meeting on June 26, 2024.

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

VOTE: 4-0; Whitburn-yea, LaCava-yea, Foster III-yea, von Wilpert-yea.

Public Utilities: Tiffany Kirk, (619) 533-5362

City Attorney Contact: Melissa D. Ables

Item 53: Award of Three (3) Civil Engineering Services As-Needed Agreement.

Total Estimated Cost of Proposed Action and Funding Source:

Please see Staff Report.

Council District(s) Affected: Citywide.

Proposed Actions:

(O-2024-153)

Introduction of an Ordinance authorizing the Mayor, or his designee, to enter into Agreements with Harris & Associates, Parsons Transportation Group, Inc., and WSP USA, in an amount not-to-exceed \$25,000,000 for each Agreement, to provide civil engineering services, related to Capital Improvement Projects and related items.

6 votes required pursuant to Charter Section 99.

Committee Actions Taken:

This item was heard at the Active Transportation and Infrastructure Committee meeting on June 26, 2024.

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

VOTE: 4-0; Whitburn-yea, LaCava-yea, Foster III-yea, von Wilpert-yea.

Engineering & Capital Projects: Michael Ramirez, (619) 533-4111

City Attorney Contact: Justin Stanek

Item 54: First Amendments to the As-Needed Transportation Engineering Services Agreements with Parsons Transportation Group, Inc. (H186986) and Kimley-Horn and Associates (H186985) and a Second Amendment to the As-Needed Civil Contract with Parsons Transportation Group, Inc. (H207141).

Total Estimated Cost of Proposed Action and Funding Source:

These amendments will extend agreement duration only and do not have associated Fiscal Considerations.

Council District(s) Affected: Citywide.

Proposed Actions:

Subitem-A: (O-2024-151)

Introduction of an Ordinance authorizing the Mayor, or his designee, to execute the First Amendment to the Agreement with Parsons Transportation Group, Inc. for as-needed transportation engineering services (H186986), extending the Agreement through May 12, 2028, for completion of eight task orders.

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

Subitem-B: (O-2024-152)

Introduction of an Ordinance authorizing the Mayor, or his designee, to execute the First Amendment to the Agreement with Kimley-Horn and Associates, Inc. for as-needed transportation engineering services (H186985), extending the Agreement through August 22, 2026, for completion of eight task orders.

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

Subitem-C: (O-2024-149)

Introduction of an Ordinance authorizing the Mayor, or his designee, to execute the Second Amendment to the Agreement with Parsons Transportation Group, Inc. for as-needed professional services Civil contract (H207141), to include two additional task orders.

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

Committee Actions Taken:

This item was heard at the Active Transportation and Infrastructure Committee meeting on June 26, 2024.

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

VOTE: 4-0; Whitburn-yea, LaCava-yea, Foster III-yea, von Wilpert-yea.

Engineering & Capital Projects: Carrie Purcell, (619) 533-5124

City Attorney Contact: Ray Palmucci

Item 55: Pure Water Program – Second Amendment to the Agreement with CH2M Hill Engineers, Inc. for Engineering Services for the Design of the North City Metropolitan Biosolids Center (MBC) Improvements Project (H176825).

Total Estimated Cost of Proposed Action and Funding Source:

Please see Staff Report.

Council District(s) Affected: 6.

Proposed Actions:

(O-2024-140)

Introduction of an Ordinance approving a Second Amendment to the Agreement with CH2M Hill Engineers, Inc. for Design Services for the North City Metropolitan Biosolids Center (MBC) Improvement Project.

6 votes required pursuant to Charter Section 99.

Committee Actions Taken:

This item was heard at the Environment Committee meeting on June 20, 2024.

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

VOTE: 3-0; LaCava-yea, von Wilpert-yea, Elo-Rivera-yea, Campbell-not present.

Engineering & Capital Projects: Akram Bassyouni, (619) 533-3616

City Attorney Contact: Elizabeth Cason

Item 56: Award Third Amendment to the Agreement (H176846) with Carollo Engineers, Inc. for Design Engineering Services for the North City Pure Water Facility.

Total Estimated Cost of Proposed Action and Funding Source:

Authorization of the third Amendment to the agreement with Carollo Engineers, Inc. (H176846) for design support services in the Pure Water Program for PWP North City Pure Water Facility Pkg 2), in an amount not-to-exceed \$5,945,891, thus increasing the total amount of the agreement to \$38,515,365, and extending the contract term for an additional 12 months;

Council District(s) Affected: 1.

Proposed Actions:

(O-2024-141)

Introduction of an Ordinance approving the Third Amendment to the Agreement with Carollo Engineers, Inc. for Design Engineering Services for the North City Pure Water Facility.

6 votes required pursuant to Charter Section 99.

Committee Actions Taken:

This item was heard at the Environment Committee meeting on June 20, 2024.

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

VOTE: 3-0; LaCava-yea, von Wilpert-yea, Elo-Rivera-yea, Campbell-not present.

Engineering & Capital Projects: Elif Cetin, (619) 533-3794

City Attorney Contact: Elizabeth Cason

Item 57: Authorize the Second Amendment to Sole Source Contract #3991 with Somach, Simmons and Dunn for Legal Services Related to the Proposed San Vicente Energy Storage Facility.

Total Estimated Cost of Proposed Action and Funding Source:

Authorization of this second amendment is for a five-year time extension, with the total not-to-exceed to remain unchanged at \$650,000. The agreement is funded by the Water Fund.

Council District(s) Affected: Citywide.

Proposed Actions:

(O-2024-137)

Introduction of an Ordinance authorizing the Mayor, or his designee, to execute Amendment No. Two to the Agreement with Somach, Simmons, and Dunn, extending the Agreement through March 26, 2029, for legal services related to regulatory litigation related to the San Vicente Reservoir.

6 votes required pursuant to Charter Section 99.

Committee Actions Taken:

This item was heard at the Environment Committee meeting on June 20, 2024.

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

VOTE: 3-0; LaCava-yea, von Wilpert-yea, Elo-Rivera-yea, Campbell-not present.

Public Utilities: Megan Hickey, (619) 613-0370

City Attorney Contact: Melissa D. Ables

Item 58: Ordinance of the Council of The City of San Diego Enacting a Nighttime Curfew at Pasatiempo Neighborhood Park (Undeveloped) and Pasatiempo Park West Open Space.

Total Estimated Cost of Proposed Action and Funding Source:

None. However, there is a related cost for labor and materials to install park signage to reflect the nighttime curfew and ordinance change. Estimated total cost for this project is \$1,338.00, including the installation of six signs placed at main points of entry into the park and open space and then

strategically placed within, as well as associated staff costs. This will be allocated from the Parks and Recreation Department's operational budget.

Council District(s) Affected: 7.

Proposed Actions:

(O-2024-150 Cor. Copy)

Introduction of an Ordinance amending Chapter 6, Article 3, Division 1 of the San Diego Municipal Code by amending Section 63.0120, relating to adding a nighttime curfew at Pasatiempo Neighborhood Park (undeveloped) and Pasatiempo Park West Open Space.

Committee Actions Taken:

This item was heard at the Community and Neighborhood Services Committee meeting on June 27, 2024.

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

VOTE: 4-0; Campbell-yea, von Wilpert-yea, Foster III-yea, Campillo-yea.

Council District 7: Anthony Hackett, (619) 236-5909

City Attorney Contact: Nicole Pedone

ADOPTION AGENDA

CONSENT, ORDINANCES TO BE ADOPTED:

Item 59: Fiscal Year 2025 Tax Rate Ordinance for the Maintenance of Zoological Exhibits.

Total Estimated Cost of Proposed Action and Funding Source:

Funding is appropriated in the Fiscal Year 2025 Adopted Budget for Zoological Exhibits Maintenance in the amount of \$20,975,719.

Council District(s) Affected: Citywide.

Proposed Actions:

Adopt the following Ordinance which was introduced on 6/24/2024, Item 200 (Council voted 8-0, Councilmember Campbell-not present):

(O-2024-131)

Ordinance fixing the rate of taxation to maintain zoological exhibits in Balboa Park for Fiscal Year 2025.

Committee Actions Taken: N/A

Department of Finance: Vanessa Montenegro, (619) 533-6169

City Attorney Contact: Bret A. Bartolotta

Item 60: General Plan Amendment, Community Plan Amendment, and Rezone for 920 Saturn Boulevard, Process Five Decision.

Total Estimated Cost of Proposed Action and Funding Source:

All costs associated with the processing of the application are recovered through a fee paid for by the applicant.

Council District(s) Affected: 8.

Proposed Actions:

Adopt the following Ordinance which was introduced on 6/25/2024, Item 333, Subitem C (Council voted 9-0):

(O-2024-129)

Ordinance approving a Rezone changing 0.8 acres located at 920 Saturn Boulevard, within the Otay Mesa-Nestor Community Plan Area, in the City of San Diego, California, from the RS-1-7 zone to the RM-3-9 zone for the 920 Saturn Boulevard Project, No. PRJ-1078681.

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

Committee Actions Taken: N/A

Development Services: Robin MacCartee, (619) 687-5942

City Attorney Contact: Jeanne MacKinnon

Item 61: 2024 Update to the San Diego Municipal Code (Land Development Code) and Local Coastal Program and A New Public Right-of-Way In Lieu Fee Resolution.

Total Estimated Cost of Proposed Action and Funding Source:

Costs associated with implementation of these ordinances would be covered by project applicants.

Council District(s) Affected: Citywide.

Proposed Actions:

Adopt the following Ordinance which was introduced on 7/01/2024, Item 201, Subitems A and B (Council voted 8-0, Councilmember Moreno-not present)

Adopt the two ordinances, containing Citywide amendments and Center City Planned District and Gaslamp Quarter Planned District (Downtown) amendments, for the 2024 Update to the Land Development Code and Local Coastal Program and the Public Right-of-Way In Lieu Fee Resolution.

Subitem-A: (O-2024-132 Cor. Copy)

Ordinance amending Chapter 2, Article 2, Division 18 of the San Diego Municipal Code by amending Section 22.1801; amending Chapter 2, Article 2, Division 24 by amending the title of Division 24, and by retitling and amending Section 22.2402; amending Chapter 8, Article 6, Division 21 by amending Section 86.2102; amending Chapter 9, Article 8, Division 6 by amending Section 98.0607; amending Chapter 11, Article 2, Division 1 by amending Section 112.0103; amending Chapter 11, Article 2, Division 3 by amending Section 112.0310; amending Chapter 11, Article 3, Division 1 by amending Section 113.0103; amending Chapter 11, Article 3, Division 2 by amending Sections 113.0222, 113.0234 and 113.0246; amending Chapter 12, Article 2, Division 1 by amending Section 122.0107; amending Chapter 12, Article 5, Division 4 by amending Section 125.0410; amending Chapter 12, Article 5, Division 9 by amending Section 125.0950; amending Chapter 12, Article 5, Division 10 by amending Section 125.1050; amending Chapter 12, Article 6, Division 1 By amending Sections 126.0108 and 126.0113, and by adding new Section 126.0109; amending Chapter 12, Article 6, Division 5 by amending Section 126.0502; amending Chapter 12, Article 6, Division 7 by amending Section 126.0702; amending Chapter 12, Article 9, Division 1 by adding new Section 129.0122; amending Chapter 12, Article 9, Division 2 by amending Section 129.0203; amending Chapter 12, Article 9, Division 7 by amending Section 129.0742; amending Chapter 13, Article 1, Division 2 by amending Section 131.0222; amending Chapter 13, Article 1, Division 3 by amending Section 131.0322; amending Chapter 13, Article 1, Division 4 by repealing Section 131.0402, amending Sections 131.0420 and 131.0422, retitling and amending Section 131.0423, and by amending Sections 131.0431, 131.0442, 131.0443, 131.0445, 131.0446, 131.0449, and 131.0464; amending Chapter 13, Article 1, Division 5 by amending Sections 131.0522, 131.0531, 131.0543 and 131.0546; amending Chapter 13, Article 1, Division 6 by amending Sections 131.0622 and 131.0631, and by adding new Section 131.0632; amending Chapter 13, Article 1, Division 7 by amending Sections 131.0702, 131.0703, 131.0704, 131.0707, 131.0709 and 131.0710, and by adding new Section 131.0719; amending Chapter 13, Article 2, Division 4 by amending Section 132.0402; amending Chapter 13, Article 2, Division 12 by

amending Sections 132.1202 and 132.1205; amending Chapter 13, Article 2, Division 14 by amending Section 132.1403, and by adding new Sections 132.1404 and 132.1405; amending Chapter 13, Article 2, Division 15 by amending Sections 132.1510, 132.1515, and 132.1550; amending Chapter 14, Article 1, Division 3 by amending Sections 141.0302, 141.0311, 141.0312, and 141.0314; amending Chapter 14, Article 1, Division 4 by retitling and amending Sections 141.0413 And 141.0421, and by adding new Section 141.0423; amending Chapter 14, Article 1, Division 6 by amending Sections 141.0606, 141.0622, 141.0624, and 141.0628; amending Chapter 14, Article 1, Division 7 by amending Section 141.0702; amending Chapter 14, Article 2, Division 3 by amending Sections 142.0305 and 142.0360, and by adding new Section 142.0390; amending Chapter 14, Article 2, Division 5 by amending Sections 142.0510, 142.0520, 142.0525, and 142.0560; amending Chapter 14, Article 2, Division 9 by amending Section 142.0910; amending Chapter 14, Article 2, Division 10 by amending Section 142.1010; amending Chapter 14, Article 2, Division 12 by amending Sections 142.1230, 142.1235, and 142.1240; amending Chapter 14, Article 2, Division 13 by amending Section 142.1305; amending Chapter 14, Article 3, Division 3 by amending Section 143.0350; amending Chapter 14, Article 3, Division 4 by amending Section 143.0420; amending Chapter 14, Article 3, Division 7 by amending Sections 143.0720, 143.0740, 143.0742, 143.0743, 143.0744, 143.0746, and by adding new Section 143.0748; amending Chapter 14, Article 3, Division 10 by amending Sections 143.1010, 143.1020, and 143.1025; amending Chapter 14, Article 3, Division 11 by amending Section 143.1103; amending Chapter 14, Article 3, Division 13 by amending Sections 143.1303 and 143.1310; amending Chapter 14, Article 3, Division 14 by retitling Division 14, and by amending Section 143.1403; amending Chapter 15, Article 5, Division 2 by amending Sections 155.0231, 155.0238, 155.0242, and by adding new Section 155.0243; amending Chapter 15, Article 9, Appendix C; amending Chapter 15, Article 10, Division 2 by amending Section 1510.0201; amending Chapter 15, Article 13, Division 3 by amending Section 1513.0304; amending Chapter 15, Article 13, Division 4 by amending Section 1513.0402; and amending Chapter 15, Article 16, Division 1 by repealing Section 1516.0103, and by amending Sections 1516.0106, 1516.0112, 1516.0117, 1516.0121, 1516.0122, 1516.0139, and 1516.0140, relating to the 2024 Land Development Code Update.

Subitem-B: (O-2024-124)

Ordinance amending Chapter 15, Article 6, Division 3 of the San Diego Municipal Code by amending Sections 156.0302, 156.0304, 156.0305, 156.0307, 156.0308, 156.0309, 156.0310, 156.0311, 156.0313, and 156.0315, amending Chapter 15, by amending the title of Article 7, amending the title of Division 1, amending Sections 157.0101, 157.0103, 157.0104, and adding Sections 157.0105, 157.0106, 157.0107, 157.0108, 157.0109, 157.0110, 157.0111, 157.0112, 157.0113, 157.0114, 157.0115, 157.0116, 157.0117,

157.0118, 157.0119 and Figure A, and repealing Chapter 15, Article 7, Divisions 2, 3, 4 and Figure A, all relating to the Centre City Planned District and The Gaslamp Quarter Planned District Land Development Code Update.

Committee Actions Taken:

This item was heard at the Land Use and Housing Committee meeting on May 17, 2024.

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

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

Planning: Liz Saidkhanian, (619) 533-5990

City Attorney Contact: Lindsey Sebastian

Item 62: Authorization to Execute a One-Year Extension to an Agreement with NEOGOV.

Total Estimated Cost of Proposed Action and Funding Source:

This action is in an amount not to exceed \$127,057.56, as indicated in the City service agreement with NEOGOV for August 19, 2024, through August 18, 2025. Funds for this action will be provided by the Department of Information Technology.

Council District(s) Affected: Citywide.

Proposed Actions:

Adopt the following Ordinance which was introduced on 7/02/2024, Item S500 (Council voted 7-0, Councilmember von Wilpert and Councilmember Moreno-not present):

(O-2024-139)

Ordinance authorizing a one-year extension of an employee recruitment and applicant tracking contract with NEOGOV.

6 votes required pursuant to Charter Section 99

Committee Actions Taken:

This item was heard at the Budget & Government Efficiency Committee meeting on June 20, 2024.

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

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

Personnel: Christia Davis, (619) 236-6665

City Attorney Contact: Thomas J. Brady

Item 63: Second Amendment to the Sole Source Contract with Agilent Technologies, Inc. to Provide Laboratory Instrumentation and Associated Software Packages for Data Analysis and Reporting.

Total Estimated Cost of Proposed Action and Funding Source:

This amendment increases the not to exceed amount of the original contract by \$4,876,000 to a total of \$7,376,000 over an additional five-year term which expires in July 2029. Expenditure of funds for goods and services is contingent upon sufficient Operating & Maintenance funding being available in each fiscal year. The agreement will be funded by water and wastewater operating & maintenance funds.

Council District(s) Affected: Citywide.

Proposed Actions:

Adopt the following Ordinance which was introduced on 07/02/2024, Item S501 (Council voted 7-0, Councilmember von Wilpert and Councilmember Moreno-not present):

(O-2024-138)

Ordinance authorizing the Mayor, or his designee, to execute the Second Amendment to the Sole Source Contract with Agilent Technologies, Inc., extending the Contract five years and increasing the amount not to exceed by \$4,876,000, to provide laboratory instrumentation and associated software packages for data analysis and reporting.

6 votes required pursuant to Charter Section 99.

Committee Actions Taken:

This item was heard at the Environment Committee meeting on June 20, 2024.

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

VOTE: 3-0; LaCava-yea, von Wilpert-yea, Elo-Rivera-yea, Campbell-not present.

Public Utilities: Violet Renick, (619) 668-2710

City Attorney Contact: Bonny Hsu

ADOPTION AGENDA

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

Item 64: Adoption of Building Code Updates and Updates to Permit and Application Rules.

Total Estimated Cost of Proposed Action and Funding Source:

Please see staff report.

Council District(s) Affected: Citywide.

Proposed Actions:

Subitem-A: (O-2024-148 **Cor. Copy**) (**Rev 7/10/24**)

Introduction of an Ordinance amending Chapter 11, Article 2, Division 1 of the San Diego Municipal Code by amending Section 112.0102; amending Chapter 12, Article 9, Division 1 by amending Section 129.0108; amending Chapter 12, Article 9, Division 2 by amending Sections 129.0211 and 129.0218; amending Chapter 14, Article 5, Division 12 by repealing Section 145.1203; amending Chapter 14, Article 5, Division 15 by amending Section 145.1505 and repealing Section 145.1510; amending Chapter 14, Article 5, Division 18 by amending Section 145.1803; amending Chapter 14, Article 9, Division 3 by amending Section 149.0341; and amending Chapter 14, Article 11, Division 3 by repealing Section 1411.0301, relating to amendments to the 2022 California Building Standards Code.

Subitem-B: (R-2024-673)

Resolution determining that the adoption of amendments to the San Diego Municipal Code related to the supplement to the 2022 Building Standards Code are exempt from the California Environmental Quality Act pursuant to CEQA Guidelines section 15061(b)(3).

Committee Actions Taken:

This item was heard at the Land Use and Housing Committee meeting on April 18, 2024.

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

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

Development Services: Ali Fattah, (619) 446-5092

City Attorney Contact: Lauren Hendrickson

ADOPTION AGENDA

CONSENT, RESOLUTIONS TO BE ADOPTED:

Item 100: **Approval of an Agreement with Environmental Systems Research Institute, Inc. (Esri), for Enterprise Geographical Information System (GIS) Software, Subscriptions, and Services.**

Total Estimated Cost of Proposed Action and Funding Source:

This contract agreement is not-to-exceed the dollar amount of \$8,280,000 for a three year term. Funded by Geographical Information System (GIS) Fund.

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2024-666)

Resolution authorizing the Mayor, or his designee, to enter into an Agreement with Environmental Systems Research Institute, Inc., in an amount not-to-exceed \$8,280,000, for enterprise geographical information system (GIS) software, subscriptions and services.

Committee Actions Taken:

This item was heard at the Budget and Government Efficiency Committee meeting on June 20, 2024.

ACTION: Motion by Chair Lee, second by Council President Pro Tem LaCava, to recommend Council approval of staff's proposed actions.

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

Department of Information Technology: Jonathan Behnke, (619) 533-3637

City Attorney Contact: Steven Lastomirsky

Item 101: Approval of the Award of Contract Resulting from Request for Proposal #10090111-24-H to Burke, Williams & Sorensen, LLP for Labor Negotiations Services.

Total Estimated Cost of Proposed Action and Funding Source:

The amount of the contract is not-to-exceed \$5,000,000 over the term of the agreement.

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2024-671)

Resolution authorizing the Mayor, or his designee, to enter into an Agreement with Burke, Williams & Sorensen, LLP, in an amount not-to-exceed \$5 million, to provide labor negotiations services.

Committee Actions Taken:

This item was heard at the Budget and Government Efficiency Committee meeting on June 20, 2024.

ACTION: Motion by Chair Lee, second by Committee Member Foster III, to recommend Council approval of staff's proposed actions.

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

Human Resources: Brian Mallard, (619) 707-1785

City Attorney Contact: Miguel Merrell

Item 102: Settlement of Maria Palafox et al. v. City of San Diego, San Diego Superior Court No. 37-2024-00018242-CU-PO-CTL, Risk No. 28581.

Total Estimated Cost of Proposed Action and Funding Source:

Settlement amount of \$250,000.00 will be paid from Public Liability Fund.

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2024-638)

Resolution authorizing the settlement of Maria Palafox, et al. v. City of San Diego, San Diego Superior Court Case No. 37-2024-00018242-CU-PO-CTL,

related to a claim of wrongful death of plaintiff's father arising from a motor vehicle accident on October 15, 2021. Claim No. 28581.

Committee Actions Taken: N/A

Office of the City Attorney: John P. Pearson, (619) 533-6193

Item 103: Appointment to the Board of Library Commissioners.

Total Estimated Cost of Proposed Action and Funding Source:

There are no City expenditures being authorized with this action.

Council District(s) Affected: 9.

Proposed Actions:

(R-2024-665)

Resolution confirming the Mayor's appointment of Mark Tran to the Board of Library Commissioners for a term ending March 1, 2026.

Committee Actions Taken: N/A

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

City Attorney Contact: Justin Bargar

Item 104: Appointment to the Mission Bay Park Committee.

Total Estimated Cost of Proposed Action and Funding Source:

There are no City expenditures being authorized with this action.

Council District(s) Affected: 1.

Proposed Actions:

(R-2024-657)

Resolution confirming the Mayor's appointment of Steve Pinard to the Mission Bay Park Committee for a term ending June 30, 2026.

Committee Actions Taken: N/A

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

City Attorney Contact: Kathy Steinman

Item 105: Reappointments to the Commission on Police Practices.

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

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2024-676)

Resolution confirming the reappointments of Clovis Honore, Maria Guadalupe Lozano-Diaz, John T. Armantrout, Darlanne Mulmat, Alec Beyer, Octavio Aguilar, Stephen E. Chatzky, Dr. Dennis Brown, and Douglas E. Case to the Commission on Police Practices for terms ending June 30, 2026.

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: Kathy Steinman

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

PROCLAMATIONS/CEREMONIAL ITEMS (NOT PRESENTED AT THE MEETING)

Item 30: The ICON of Arts and Culture Honorees: Jane & Thompson Fetter Day.

COUNCILMEMBER WHITBURN'S RECOMMENDATION:

Proclaiming July 27, 2024, to be “The ICON of Arts and Culture Honorees: Jane & Thompson Fetter Day” in the City of San Diego.

Item 31: National University Foundation Day.

COUNCILMEMBER VON WILPERT AND COUNCILMEMBER LEE'S RECOMMENDATION:

Proclaiming July 25, 2024, to be “National University Foundation Day” in the City of San Diego.

Item 32: John Alvarado Day.

COUNCILMEMBER MORENO'S RECOMMENDATION:

Proclaiming July 16, 2024, to be “John Alvarado Day” in the City of San Diego.

SPECIAL ORDERS OF BUSINESS

None.

ITEMS PULLED FROM CONSENT BY COUNCILMEMBERS

INFORMATIONAL AND ADOPTION AGENDA ITEMS (10AM SESSION)

ADOPTION AGENDA

DISCUSSION, NOTICED HEARINGS:

Item 330: A Proposed Decision to Overrule the Airport Land Use Commission's Determination of Inconsistency at 2345 Kettner Boulevard - Project No. 1107392, Process Five Decision.

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:

There are no City expenditures being approved with this action. All costs associated with processing of this Project are paid through a deposit account by the applicant.

Council District(s) Affected: 3.

Proposed Actions:

An application for a Site Development Permit (Process 5) to request that the City Council proposes a decision to overrule the determination of inconsistency with the San Diego International Airport (SDIA) Land Use Compatibility Plan (ALUCP) by the San Diego County Regional Airport Authority (SDCRAA), acting as the Airport Land Use Commission (ALUC) for San Diego International Airport (SDIA), to allow a land use deviation from the maximum land use intensity limit of Safety Zone 2E for the 24,754 square-foot site at the northeast corner of Kettner Boulevard and West Juniper Street at 2345 Kettner Boulevard within the Mixed Commercial zoning district of the Centre City Planned District and the Little Italy neighborhood of the Downtown Community Plan area (Council District 3).

(R-2025-7)

Resolution to propose to overrule the Airport Land Use Commission's determination of inconsistency and direct staff to send the Notice of Proposed Final Decision to Overrule to the ALUC, Caltrans Division of Aeronautics, and San Diego County Regional Airport Authority as the San Diego International Airport operator.

6 votes required pursuant to California Public Utilities Code Sections 21676 and 21676.5 and San Diego Municipal Code Section 132.1555.

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

Committee Actions Taken: N/A

Development Services: Johnwilly Aglupos, (619) 557-7958

City Attorney Contact: Corrine Neuffer

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, JULY 16, 2024 AT 2:00 PM

ROLL CALL

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

ADOPTION AGENDA, DISCUSSION ITEMS

ADOPTION AGENDA

DISCUSSION, RESOLUTIONS TO BE ADOPTED:

Item 331: Annual Special Tax Levy - Community Facilities Districts No. 2, No. 3, and No. 4.

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 to the City. All costs are borne by the respective districts.

Council District(s) Affected: 2, 5.

Proposed Actions:

Subitem-A: (R-2024-668)

Resolution authorizing the annual levy of special taxes within the City's Community Facilities District No. 2.

Subitem-B: (R-2024-669)

Resolution authorizing the annual levy of special taxes within the City's Community Facilities District No. 3.

Subitem-C: (R-2024-670)

Resolution authorizing the annual levy of special taxes within the City's Community Facilities District No. 4.

Committee Actions Taken: N/A

Debt Management: Marisol Valdovinos, (619) 533-4071

City Attorney Contact: David Powell

Item 332: Authorization for the Public Facilities Financing Authority of the City of San Diego Sewer Revenue Bonds, Series 2024A (“2024 Sewer Revenue Bonds”) Preliminary Official Statement (“POS”).

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:

Estimated debt service for the 2024 Sewer Bonds is \$14.6 million in Fiscal Year 2025 and \$17.9 million annually from Fiscal Year 2026 to Fiscal Year 2054, paid from the Sewer Revenue Fund.

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2024-664 Cor. Copy)

Resolution approving (i) the form and authorizing the execution and delivery of one or more Preliminary Official Statements and Official Statements in connection with the Public Facilities Financing Authority of the City of San Diego Subordinated Sewer Revenue Bonds, Series 2024A, (ii) approving other related actions, and (iii) declaring the official intent of the City to reimburse certain expenditures from the proceeds of indebtedness.

Committee Actions Taken:

This item was heard at the Budget & Government Efficiency Committee meeting on March 14, 2024.

ACTION: Motion by Council President Pro Tem LaCava, second by Council President Elo-Rivera, to recommend Council approval of staff's proposed actions. (Rev.7/10/24)

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

Department of Finance: Jyothi Pantulu, (619) 236-6917

City Attorney Contact: David Powell

See the Special Public Facilities Financing Authority Agenda of July 16, 2024, for a related item.

Item 333: Sidewalk Vending Permit Fee.

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 Program incurs annual ongoing costs of approximately \$2.5 million. Estimated annual revenue of \$20,600 is expected based on current volume of permit issuance.

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2024-513)

Resolution approving a fee for sidewalk vending applications and permits issued under Chapter 3, Article 6, Division 1 of the San Diego Municipal Code.

Committee Actions Taken:

This item was heard at the Community & Neighborhood Services Committee meeting on June 27, 2024.

ACTION: Motion by Chair Campbell, second by Vice Chair von Wilpert, to recommend Council approval of staff's proposed actions.

VOTE: 4-0; Campbell-yea, von Wilpert-yea, Foster III-yea, Campillo-yea.

Office of the City Treasurer: Elizabeth Correia, (619) 236-7517

City Attorney Contact: Marguerite Middaugh

Item 334: Consideration of Nominees for Appointment to the Commission on Police Practices.

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:

(R-2025-15)

Resolution confirming the Council's appointments to the Commission on Police Practices.

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: Kathy Steinman

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 no later than 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 \(link is external\)](#)