

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
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Thursday, August 06, 2020

**AGENDA FOR THE
SPECIAL COUNCIL MEETING OF
THURSDAY, AUGUST 06, 2020, AT 1:00 PM
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 April 7, 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

PLEDGE OF ALLEGIANCE

NON-AGENDA PUBLIC COMMENT

ADOPTION AGENDA, DISCUSSION ITEMS

ADOPTION AGENDA

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

Item 600: Fourth Amendment to the Property Management Agreement between CBRE, Inc., and the City of San Diego for the Management of 1200 Third Avenue, 201 A Street and 101 Ash Street.

Total Estimated Cost of Proposed Action and Funding Source:

This amendment is for a not-to-exceed amount of \$1,048,586 to be paid from the General Fund.

Council District(s) Affected: 3.

Proposed Actions:

Subitem-A: (R-2020-586)

Resolution determining that the Fourth Amendment to the Property Management Agreement with CBRE, Inc., is exempt from the California Environmental Quality Act pursuant to Section 15301 of the CEQA Guidelines.

Subitem-B: (O-2020-121)

Introduction of an Ordinance authorizing the Mayor, or his designee, to execute the Fourth Amendment to the Property Management Agreement with CBRE, Inc., extending the Agreement to provide property management services at 1200 Third Avenue, 201 A Street, and 101 Ash Street through August 31, 2021.

6 votes required pursuant to Charter Section 99.

Committee Actions Taken: N/A

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

City Attorney Contact: Kathy Steinman

ADOPTION AGENDA

DISCUSSION, RESOLUTIONS TO BE ADOPTED:

Item 601: Recommendation of Terms for Inclusion in Gas and Electric Franchises.

Total Estimated Cost of Proposed Action and Funding Source:

There are no expenditures being authorized with this action.

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2021-48)

Resolution of Intent approving certain terms for gas and electric franchises proposed to be advertised for bids by the City Manager pursuant to San Diego Charter Section 103.

Committee Actions Taken:

This item was heard at the Environment Committee meeting on July 16, 2020.

ACTION: Motion by Councilmember Campbell, second by Councilmember Sherman, to draft a Resolution of Intent for consideration by the City Council with all the terms listed in the term sheet titled Consultant's Proposed Terms attached in the backup material with the following additions: Subject to further legal review and analysis, add a provision that states: The prevailing bidder shall for ten years after the sale and subject to the provisions of any existing collective bargaining agreement:

1. To the extent legally permissible, use reasonable efforts to hire and retain all employees who had been employed by the electrical or gas corporation immediately before the sale whose principal place of employment was transferred to the new owner; and

2. To the extent legally permissible, use reasonable efforts to provide no less than the wages, benefits, hours and other terms and conditions of employment provided to these employees by the electrical or gas corporation before the sale, including any previously negotiated increase in wages. Modify the terms of payment to allow for bidders to meet the minimum bid by delivering a combination of cash and services during the life of the agreement. Services could include infrastructure and/or capital improvement projects that would otherwise be paid for by the City, such as: Undergrounding, Street lights, energy efficiency, EV chargers for city, solar on city facilities, utility box beautification, median improvements, sidewalk repair, tree trimming, exploring adding a Climate Equity Fund.

VOTE: 3-1; Campbell-yea, Sherman-yea, Moreno-yea, Bry-Nay.

Urban Division: Lee Friedman, (619) 236-6980

City Attorney Contact: Frederick M. Ortlieb

Item 602: Resolution Asserting the City's Authority to Protect the City's Streets and Other City Areas Without Intervention by Federal Law Enforcement Officers and Affirming First Amendment Rights of San Diegans.

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

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2021-54)

Resolution of the Council, asserting the City's authority under the United States and California Constitutions and San Diego City Charter to protect the City's streets and other City areas without intervention from federal law enforcement officers and affirming First Amendment rights of San Diegans.

Committee Actions Taken: N/A

Council President's Office: Matt Yagyagan, (619) 236-6699

City Attorney Contact: Joan F. Dawson

ADOPTION AGENDA

DISCUSSION, OTHER LEGISLATIVE ITEMS:

Item 603: 101 Ash Street Project Status Update and Next Steps.

Total Estimated Cost of Proposed Action and Funding Source:

A solution, once identified and agreed upon by the Mayor and Council, may be financed by a combination of litigation, insurance, and/or financing proceeds, and the leveraged value of the building.

Council District(s) Affected: 3.

Proposed Actions:

Direct staff to return to City Council in the Fall with further refined construction schedules, project financing plans for the selected option(s) to move forward, and to present the findings of the expanded BCA report.

Committee Actions Taken: N/A

Office of the Chief Operating Officer: Alia Khouri, (619) 533-4548

City Attorney Contact: Jim McNeill

ADJOURNMENT