

# **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, 12<sup>th</sup> Floor, City Administration Building**

**Tuesday, October 20, 2020**

**AGENDA FOR THE  
REGULAR COUNCIL MEETING OF  
TUESDAY, OCTOBER 20, 2020, AT 9:00 AM  
CITY ADMINISTRATION BUILDING  
COUNCIL CHAMBERS – 12<sup>TH</sup> FLOOR  
202 "C" STREET  
SAN DIEGO, CA 92101**

**COVID- 19 PUBLIC SERVICE ANNOUNCEMENT REGARDING COUNCIL MEETING ACCESS AND PUBLIC COMMENT:**

Until further notice, City Council meetings will be conducted pursuant to the provisions of [California Executive Order 29-20](#), which suspends certain requirements of the Ralph M. Brown Act and the [Temporary Rules of Council](#) as approved on June 9, 2020.

During the current State of Emergency and in the interest of public health and safety, most—and possibly all—of the Council Members will be participating in City Council meetings by teleconference. In accordance with the Executive Order, there will be no members of the public participating in person at the City Council Meetings. We are providing alternatives to in-person attendance for viewing and participating in the meetings.

In lieu of in-person attendance, members of the public may participate and provide comment via telephone, using the City Clerk webform, email submission or via U.S. Mail of written materials, as follows:

**Phone in Testimony**

When the Clerk introduces either the item you would like to comment on or the comment period for, Non-Agenda Public Comment or Closed Session 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.

**Closed Session Public Comment** may be submitted using the City Clerk [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 the item is called will be submitted into the written record for the relevant item.

**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](mailto: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.

**Note:** The City Council will meet in Closed Session this morning at 9:00 a.m. or shortly thereafter. Public Comment on Closed Session items will occur at the start of the 9:00 a.m. session before Council adjourns into Closed Session. The City Council will reconvene for Open Session at 11:00 a.m. or shortly thereafter.

**PLEASE NOTE: THE PUBLIC PORTION OF THIS AGENDA, LISTED BELOW AND INCLUDING NON-AGENDA PUBLIC COMMENT, BEGINS AT 11AM OR SHORTLY THEREAFTER. The only public input taken at the start of the 9am session is for Closed Session items only.**

**ROLL CALL**

**INVOCATION**

**PLEDGE OF ALLEGIANCE**

**NON-AGENDA PUBLIC COMMENT**

**APPROVAL OF COUNCIL MINUTES**

9/15/2020

**ADOPTION AGENDA, CONSENT ITEMS**

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

**ADOPTION AGENDA**

CONSENT, ORDINANCES TO BE INTRODUCED:

**Item 50: Exemption of Three (3) Program Coordinator Positions in the Police Department from the Classified Service.**

**Total Estimated Cost of Proposed Action and Funding Source:**

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

**Council District(s) Affected:** Citywide.

Proposed Actions:

(O-2021-44)

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

Committee Actions Taken: N/A

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

ADOPTION AGENDA

CONSENT, ORDINANCES TO BE ADOPTED:

**Item 51: Approval of Joint Use Agreements between the City and SDUSD for Audubon K-8, Innovation Middle, Longfellow K-8, Rolando Park Elementary, and Sherman Elementary Schools.**

Total Estimated Cost of Proposed Action and Funding Source:

The design and construction of the proposed joint use facilities will be funded by the District and the City. The City will provide annual maintenance of the joint use facilities. This cost will be reflected in the annual Parks and Recreation Department budgets. See Accounting Table.

Council District(s) Affected: 2, 4, 6, 8.

Proposed Actions:

Adopt the following ordinance which was introduced on 10/6/2020, Item 60, Subitem D. (Council voted 8-0, Councilmember Sherman-not present):

(O-2021-32)

Ordinance authorizing execution of five Agreements for construction, operation, maintenance and use of joint use facilities at Audubon (K-8), Innovation Middle, Longfellow (K-8), Rolando Park Elementary and Sherman Elementary Schools with the San Diego Unified School District and related actions.

**6 votes required pursuant to Charter Section 99.**

Committee Actions Taken: N/A

*Parks & Recreation: Shannon Scoggins, (619) 236-6894*

*City Attorney Contact: Hilda R. Mendoza*

**Item 52: Third Amendment to the Agreement between the City of San Diego and SAP Public Services, Inc. for Software Licensing, Maintenance, Support and Technical Advisory Services Related to the SAP systems of the City of San Diego.**

Total Estimated Cost of Proposed Action and Funding Source:

This request is for a not-to-exceed amount of \$30,492,113 over a period of 5 years. This will be funded by the OneSD Fund which is reimbursed by an annual citywide allocation and is contingent on City Council approval of individual fiscal year or five-year budget plans.

Council District(s) Affected: Citywide.

Proposed Actions:

Adopt the following ordinance which was introduced on 10/6/2020, Item 330. (Council voted 8-0, Councilmember Sherman-not present):

(O-2021-25)

Ordinance authorizing the Mayor, or his designee, to execute the Third Amendment to the Agreement with SAP Public Services, Inc., in an amount not-to-exceed \$30,492,113 for the five-year extension term, for the provision of software licensing, maintenance, support and technical advisory services.

**6 votes required pursuant to Charter Section 99.**

Committee Actions Taken: N/A

*Department of Information Technology: Arlo Magpantay, (619) 235-5207*

*City Attorney Contact: Steven Lastomirsky*

ADOPTION AGENDA

CONSENT, RESOLUTIONS TO BE ADOPTED:

**Item 100: Resolution to Designate the Convoy Pan Asian Cultural And Business Innovation District in the Kearny Mesa Community.**

Total Estimated Cost of Proposed Action and Funding Source:

There is no cost associated with this item.

Council District(s) Affected: 6.

Proposed Actions:

(R-2021-154)

Resolution designating the Convoy Pan Asian Cultural and Business Innovation District in the Kearny Mesa Community of the City of San Diego.

Committee Actions Taken: N/A

*Council District 6: Jon Shiner, (619) 533-6469*  
*City Attorney Contact: Joan F. Dawson*

**Item 101: Authorization to apply for a \$8,500,000 Prop 68 Statewide Park Development and Community Revitalization Program Grant, Administered by the California Department of Parks and Recreation, for Beyer Park Development.**

Total Estimated Cost of Proposed Action and Funding Source:

This action will authorize a grant application for construction costs of \$8,500,000. Grant funding will be budgeted in the Capital Improvements Program. No matching funds are required.

Council District(s) Affected: 8.

Proposed Actions:

(R-2021-146)

Resolution authorizing the Mayor, or his designee, to make an application to the State of California for the administration of the Statewide Park Development and Community Revitalization Grant Program and take all necessary actions to secure funding in an amount not-to-exceed \$8,500,000 in Fund 600001 Grant Fund-State, for the Beyer Park Development Project.

Authorizing the Chief Financial Officer to accept, appropriate, and expend an amount not-to-exceed \$8,500,000 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.

Committee Actions Taken: N/A

*Parks & Recreation: Andy Field, (619) 235-1110*  
*City Attorney Contact: Jane M. Boardman*

**Item 102: Authorization to Apply for a \$3,000,000 Prop 68 Statewide Park Development and Community Revitalization Program Grant, Administered by the California Department of Parks and Recreation, for John F. Kennedy Neighborhood Park.**

Total Estimated Cost of Proposed Action and Funding Source:

This action will authorize a grant application for construction costs of \$3,000,000. Grant funding will be budgeted in the Capital Improvements Program. No matching funds are required.

Council District(s) Affected: 4.

Proposed Actions:

(R-2021-147)

Resolution authorizing the Mayor, or his designee, to make an application to the State of California for the administration of the Statewide Park Development and Community Revitalization Grant Program and take all necessary actions to secure funding in an amount not-to-exceed \$3,000,000 in Fund 600001 Grant Fund - State, for the John F. Kennedy Neighborhood Park Project.

Authorizing the Chief Financial Officer to accept, appropriate, and expend an amount not-to-exceed \$3,000,000 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.

Committee Actions Taken: N/A

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

*City Attorney Contact: Jane M. Boardman*

**Item 103: Authorization to Apply for the 2020 Internet Crimes Against Children (ICAC) Task Force Grant Program and Accept, Appropriate, and Expend Funding.**

Total Estimated Cost of Proposed Action and Funding Source:

The total revenue applied for in FY21 is \$2,000,000.00 as well as any additional funding available from this grant program from Fiscal Year 2021 through Fiscal Year 2025. There are no cost share requirements, or requirement for continued expenditures/services once grant funding is depleted or terminated.

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2021-51)



Resolution authorizing the Mayor, or his designee, to make applications to the Office of Juvenile Justice and Delinquency Prevention and take all necessary actions to secure funding for \$2,000,000 and any additional grant funding available, for a period of up to five years, for the purpose of implementing the Internet Crimes Against Children Task Force Program; and,

Authorizing the Chief Financial Officer to increase the Fiscal Year 2021 budget, and to accept, appropriate, and expend \$2,000,000 and any additional grant funding available, for a period of up to five years, for the purpose of implementing the Internet Crimes Against Children Task Force Program.

Committee Actions Taken:

This item was heard at the Public Safety and Livable Neighborhoods Committee meeting on October 7, 2020.

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

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

*Police: Garrick E. Nugent, (619) 531-2346*  
*City Attorney Contact: Michelle Garland*

**Item 104: Authorization to Apply for the 2020 DNA Capacity Enhancement for Backlog Reduction Grant Program and Accept, Appropriate, and Expend Funding.**

Total Estimated Cost of Proposed Action and Funding Source:

This action is to request authorization to apply for, accept, appropriate and expend \$300,000 in grant funding from the 2020 DNA Capacity Enhancement for Backlog Reduction Program as well as any additional funding available from this grant program from Fiscal Year 2021 through Fiscal Year 2025. There is no cost share requirement and no requirement for continued expenditure after grant funding is depleted.

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2021-50)

Resolution authorizing the Mayor, or his designee, to make applications to the Bureau of Justice Assistance and take all necessary actions to secure funding for \$300,000 and any additional funding made available for the 2020 DNA Capacity Enhancement for Backlog Reduction Program (Program), including any amendments, extensions, or renewals of the grant, for a period of up to five years, for the purpose of implementing the Program; and,

Authorizing the Chief Financial Officer to increase the Fiscal Year 2021 budget, and to accept, appropriate, and expend \$300,000 and any additional funding made available for the 2020 DNA Capacity Enhancement for Backlog Reduction Program (Program), including any amendments, extensions, or renewals of the grant, for a period of up to five years, for the purpose of implementing the Program.

Committee Actions Taken:

This item was heard at the Public Safety & Livable Neighborhoods Committee meeting on October 7, 2020.

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

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

*Police: Melissa Strong, (619) 531-2571  
City Attorney Contact: Michelle Garland*

**Item 105: Authorization to Apply to the FY 2021 Sexual Assault Evidence Grant Program and Accept, Appropriate, and Expend Funding.**

Total Estimated Cost of Proposed Action and Funding Source:

This action is for \$138,204 in federal grant funding from the Sexual Assault Evidence Grant Program. There is no cost share requirement and no requirement for continued expenditure after grant funding is depleted.

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2021-49)

Resolution authorizing the Mayor, or his designee, to make applications to the California Department of Justice and take all necessary actions to secure grant funding for \$138,204 and any additional funding available for a period of up to five years for the purpose of implementing the Sexual Assault Evidence Submission Program.

Authorizing the Chief Financial Officer to increase the Fiscal Year 2021 budget, and to accept, appropriate, and expend \$138,204 and any additional funding available for a period of up to five years for the purpose of implementing the Sexual Assault Evidence Submission Program.

Committee Actions Taken:

This item was heard at the Public Safety and Livable Neighborhoods Committee meeting on October 7, 2020.

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

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

*Police: Daniel Meyer, (619) 531-2655*

*City Attorney Contact: Michelle Garland*

**PROCLAMATIONS/CEREMONIAL ITEMS (NOT PRESENTED IN CHAMBERS)**

**Item 30: Turkish Republic Day.**

COUNCILMEMBER WARD'S RECOMMENDATION:

Proclaiming October 29, 2020, as "Turkish Republic Day" in the City of San Diego.

**Item 31: Tom Lemmon Day.**

COUNCIL PRESIDENT GEORGETTE GÓMEZ'S AND COUNCILMEMBER WARD'S RECOMMENDATION:

Proclaiming October 21, 2020, to be "Tom Lemmon Day" in the City of San Diego.

**SPECIAL ORDERS OF BUSINESS**

None.

**ITEMS PULLED FROM THE CONSENT AGENDA**

**MAYOR, COUNCIL, CITY ATTORNEY, INDEPENDENT BUDGET ANALYST, CITY CLERK COMMENT**

**UPDATES ON PENDING LEGISLATION (MAYOR'S OFFICE)**

**INFORMATIONAL ITEMS**

**Item 330: Biennial Report on Amendments to the City's Conflict of Interest Codes in Compliance with State Law.**

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

Council District(s) Affected: Citywide.

Proposed Actions:

This is an informational item only.

Committee Actions Taken: N/A

*Office of the City Clerk: Elizabeth Maland, (619) 533-4080*

**Item 331: Performance Audit of the City's Public Liability Management.**

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

Council District(s) Affected: Citywide.

Proposed Actions:

This is an informational Item only.

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

Committee Actions Taken:

This item was heard at the Audit Committee meeting on June 17, 2020.

ACTION: Motion by Vice Chair Moreno, second by Committee Member Halpern, to accept report and forward to the City Council and the Active Transportation and Infrastructure Committee as an Informational Item.

VOTE: 5-0; Sherman-yea, Moreno-yea, Halpern-yea, Tabshouri-yea, Valdivia-yea.

*Office of the City Auditor: Andy Hanau, (619) 533-3108*

**ADOPTION AGENDA, DISCUSSION ITEMS**

ADOPTION AGENDA

DISCUSSION, ORDINANCES TO BE INTRODUCED:

**Item 332: Fourth Amendment to the Lease for 525 B Street, San Diego, CA between I&G 525 B Street, LLC and the City of San Diego.**

Total Estimated Cost of Proposed Action and Funding Source:

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

Council District(s) Affected: 3.

Proposed Actions:

(O-2021-47)

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

**6 votes required pursuant to Charter Section 99.**

Committee Actions Taken: N/A

*Real Estate Assets: Karen Johnson, (619) 236-6191  
City Attorney Contact: Delmar Williams*

**NON-AGENDA ITEMS**

**REPORT OUT FROM CLOSED SESSION**

**ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES**

**ADJOURNMENT**