

REVISED

CITY OF SAN DIEGO COUNCIL AGENDA



COUNCIL PRESIDENT

Georgette Gómez • Ninth District

COUNCIL PRESIDENT PRO TEM

Barbara Bry • First District

COUNCILMEMBERS

Jennifer Campbell • Second District
Christopher Ward • Third District
Monica Montgomery • Fourth District
Mark Kersey • Fifth District
Chris Cate • Sixth District
Scott Sherman • Seventh District
Vivian Moreno • Eighth District

Andrea Tevlin
Independent
Budget Analyst

Mara W. Elliott
City Attorney

Elizabeth Maland
City Clerk

Council Chambers, 12th Floor, City Administration Building

Tuesday, July 28, 2020

**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
TUESDAY, JULY 28, 2020, AT 9:00 AM**

**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 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 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.

OTHER LEGISLATIVE MEETINGS

The **SAN DIEGO HOUSING 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 the Housing Authority Secretary at (619) 578-7550. Internet access to the agenda is available at: <http://www.sdhc.org/Media-Center/SDHC-Meetings/Housing-Authority-Meetings/>

ROLL CALL

INVOCATION

PLEDGE OF ALLEGIANCE

NON-AGENDA PUBLIC COMMENT

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: Amendment No. 3 to the Contract for Legal Services with Gordon Rees Scully Mansukhani, LLP.

Total Estimated Cost of Proposed Action and Funding Source:

The additional funds in an amount of \$100,000 will be paid from the Public Liability Fund. The total contract amount will be \$625,000.

Council District(s) Affected: Citywide.

Proposed Actions:

(O-2020-131)

Introduction of an Ordinance for approval of additional funds for Gordon Rees Scully Mansukhani, LLP, to provide further legal

representation and counseling relating to the De Anza Cove Mobile Home Park litigation, including De Anza Cove Homeowners Association, et al. v. City of San Diego, San Diego Superior Court Case No. GIC 821191, Alice Howard v. City of San Diego, San Diego Superior Court Case No. 37-2018-00037598-CU-PT-CTL, and City of San Diego v. Alice Howard Nelson, et al., San Diego Superior Court Case No. 37-2016-00039245-CU-PT-CTL as well as other possible claims and matters related to the closure of the park.

6 votes required pursuant to Charter Section 99.

Committee Actions Taken: N/A

Office of the City Attorney: David J. Karlin, (619) 533-5816

Item 51: Maintenance Agreement between Caltrans and City of San Diego for the Sorrento Valley/Carmel Valley Creek Bikeway.

Total Estimated Cost of Proposed Action and Funding Source:

There is no additional cost associated with this action.

Council District(s) Affected: 1.

Proposed Actions:

(O-2021-7)

Introduction of an Ordinance authorizing the Mayor, or his designee, to enter into a Maintenance Agreement with Caltrans which sets forth the maintenance obligations of Caltrans and the City in regard to the Sorrento Valley and Carmel Valley Creek Bikeway.

6 votes required pursuant to Charter Section 99.

Committee Actions Taken: N/A

Transportation & Storm Water: Gary Chui, (619) 533-3770

City Attorney Contact: Cassandra Mouglin

ADOPTION AGENDA

CONSENT, ORDINANCES TO BE ADOPTED:

Item 52: 12th Update (Phase Three) to the Land Development Code and Local Coastal Program.

Total Estimated Cost of Proposed Action and Funding Source:

There are no City expenditures being approved with this action.

Council District(s) Affected: Citywide.

Proposed Actions:

Adopt the following ordinance which was introduced on 7/14/2020, Item 335. (Council voted 9-0):

(O-2020-89 Rev.)

Ordinance Amending Chapter 12, Article 6, Division 3 by Amending Section 126.0303; Amending Chapter 14, Article 1, Division 5 by Amending Section 141.0504; Amending Chapter 14, Article 1, Division 10 by Amending Section 141.1004, relating to Cannabis Outlets and Cannabis Production Facilities in the 12th Update (Phase Three) of the Land Development Code.

Committee Actions Taken: N/A

Planning: Renee Mezo, (619) 236-6033

City Attorney Contact: Corrine Neuffer

Item 53: HousingSD: Moderate Income Housing Regulations.

Total Estimated Cost of Proposed Action and Funding Source:

There are no City expenditures being approved with this action. Costs associated with implementation of the regulations in the future will be borne by project applicants through the existing project permitting process.

Council District(s) Affected: Citywide.

Proposed Actions:

Adopt the following ordinance which was introduced on 7/30/2019, Item 335, Subitem B. (Council voted 9-0):

(O-2020-9)

Ordinance amending the San Diego Municipal Code regarding Moderate Income Housing.

Committee Actions Taken: N/A

Planning: Laura Black, (619) 533-4549

City Attorney Contact: Corrine Neuffer

ADOPTION AGENDA

CONSENT, RESOLUTIONS TO BE ADOPTED:

Item 100: Authorize Change Order 001 for Grove Avenue Pump Station Biofilter Media Replacement Project to Modify the Contract with Falcon Construction, Co.

Total Estimated Cost of Proposed Action and Funding Source:

This change order increases the original agreement by \$222,569.70 to a total of \$520,869.70. Funding for the additional \$222,569.70 will be available in the Metro Sewer Utility Fund for this purpose.

Council District(s) Affected: 8.

Proposed Actions:

(R-2020-409)

Resolution authorizing the Mayor, or his designees, to execute Change Order #1 for Falcon Construction, not-to-exceed \$222,569.70, in connection with the Grove Avenue Pump Station Project.

Committee Actions Taken: N/A

Public Works: Elif Cetin, (619) 533-3794

City Attorney Contact: Christine Leone

Item 101: First Amendment to City of San Diego Percentage Lease with Shoreline Mission Bay, LLC for 2688 East Mission Bay Drive in Mission Bay Park.

Total Estimated Cost of Proposed Action and Funding Source:

This is a revenue generating item. Upon completion of the redevelopment period the initial annual minimum rent to City will be \$120,000 or the percentage rent from various business categories, whichever is higher. The rent is subject to a \$450,000 rent credit that can be applied against 50% of the rent due until reduced to zero.

Council District(s) Affected: 2.

Proposed Actions:

Subitem-A: (R-2020-565)

Resolution determining that the first amendment to percentage lease with Shoreline Mission Bay, LLC is exempt from the California Environmental Quality Act pursuant to Section 15301 of the CEQA Guidelines.

Subitem-B: (R-2020-566)

Resolution authorizing execution of a first amendment to percentage lease with Shoreline Mission Bay, LLC for the lease of City-owned

property located at 2688 East Mission Bay Drive in Mission Bay Park and related actions.

Committee Actions Taken: N/A

Real Estate Assets: Vladimir Balotsky, 619-235-5248

City Attorney Contact: Hilda R. Mendoza

Item 102: First Amendment to Agreement with Colantuono, Highsmith & Whatley to Provide Continued Legal Services as Panel Outside Counsel.

Total Estimated Cost of Proposed Action and Funding Source:

The proposed First Amendment to the legal services agreement (LSA) is in an amount not to exceed \$500,000 and legal services to be provided pursuant to the LSA will be from funding sources already appropriated by the City Council to various City departments so no funding is being requested as part of this action.

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2020-608)

Resolution approving, and authorizing the Mayor, or his designee, to execute the First Amendment to the Agreement with Colantuono, Highsmith & Whatley PC, in an amount not-to-exceed \$500,000, to provide continued legal services as panel outside counsel.

Committee Actions Taken: N/A

Office of the City Attorney: Jim McNeill, (619) 533-5860

Item 103: California Department of Transportation Sustainable Transportation Planning Grant - Authorizing Acceptance and Expenditure of Funds for the City of San Diego Mobility Evaluation Tool for Estimating Vehicle Miles Traveled and Travel Demand Management Effectiveness.

Total Estimated Cost of Proposed Action and Funding Source:

This action will allow the City of San Diego to accept and expend grant funds in the amount of \$221,325. Grant funds will be used for consultant costs related to development of the City of San Diego Mobility Evaluation Tool for Estimating Vehicle Miles Traveled and Travel Demand Management Effectiveness. The City will be providing an in-kind match in the form of staff hours in the amount of \$28,675.

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2021-19)

Resolution authorizing the acceptance and expenditure of California Department of Transportation Sustainable Transportation Planning Grant Funds for the City of San Diego Mobility Evaluation Tool for Estimating Vehicle Miles Traveled and Travel Demand Management Effectiveness.

Committee Actions Taken: N/A

Planning: Alyssa Muto, (619) 533-3103
City Attorney Contact: Lindsey Sebastian

Item 104: Settlement of Gregory Cross v. City of San Diego, San Diego Superior Case No. 37-2019-00011122-CU-PO-CTL, Risk Claim No. 20369.

Total Estimated Cost of Proposed Action and Funding Source:

Settlement amount of \$68,500 will be paid from the Public Liability Fund.

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2020-621)

Resolution authorizing the settlement of Gregory Cross v City of San Diego, et al., San Diego Superior Case No. 37-2019-00011122-CU-PO-CTL, related to personal injuries sustained from a bicycle accident on a raised portion of roadway on Camino Del Rio North in the City of San Diego on August 1, 2018. Risk No. 20369.

Committee Actions Taken: N/A

Office of the City Attorney: Tia F. Ramirez, (619) 533-5318

Item 105: Declaring a Continued State of Emergency Regarding Raw Sewage, Solid Waste, and Sediment Coming from Tijuana, Mexico.

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

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2021-36)

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

City Attorney Contact: David L. Krypel

PROCLAMATIONS/CEREMONIAL ITEMS (NOT PRESENTED IN CHAMBERS)

Item 30: John Swanson Day.

COUNCILMEMBER MORENO'S RECOMMENDATION:

Proclaiming July 28, 2020, to be "John Swanson Day" in the City of San Diego.

Item 31: Officer Jonathan Wiese Day.

COUNCILMEMBER KERSEY'S RECOMMENDATION:

Proclaiming August 6, 2020, to be "Officer Jonathan Wiese Day" in the City of San Diego.

SPECIAL ORDERS OF BUSINESS

None.

ITEMS PULLED FROM THE CONSENT AGENDA

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

UPDATES ON PENDING LEGISLATION (MAYOR'S OFFICE)

REQUESTS FOR CONTINUANCE BY COUNCILMEMBERS

ADOPTION AGENDA, DISCUSSION ITEMS

ADOPTION AGENDA

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

Item 330: Consideration of Potential Amendments to Governing Laws Regarding City Boards and Commissions.

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

Council District(s) Affected: Citywide.

Proposed Actions:

Subitem-A: (O-2020-83)

Introducing an Ordinance amending Chapter 2, Article 2, Division 53 of the San Diego Municipal Code by amending Section 22.5301, and amending Chapter 2, Article 6, Division 1 of the San Diego Municipal Code by amending Section 26.0101 and by adding New Sections 26.0107 and 26.0108, all relating to Boards and Commissions.

Subitem-B: (R-2021-35)

Adopting a Resolution amending Council Policy 000-13, procedure for Mayor and Council appointments.

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

Committee Actions Taken:

This item was heard at the Rules Committee meeting on November 13, 2019.

ACTION: Motion by Council President Gómez, second by Councilmember Ward, to direct the City Attorney:

Subitem-A:

1. To proceed with analysis and drafting of the language to amend the two Municipal Code sections as presented in the PowerPoint;

2. In addition to the requirement in the PowerPoint related to annual reporting, add that the annual reports will be heard by the appropriate committee, or if not taken up there, by the Rules Committee;

3. Amend Municipal Code § 22.5301(c) Office of Boards and Commissions to include a duty to develop and keep up-to-date documents for the public to be able to understand the various steps

and estimated timelines for nominee vetting, and if the process and timelines are different for Council nominees and Mayoral nominees, to be clear about those processes and timelines, and;

4. Add the duty to provide Council offices with monthly updates regarding the status of their nominee;

5. And to forward these amendments to the full Council for consideration.

Subitem-B:

To direct the City Attorney to analyze and draft language to amend Council Policy 000-13 to implement the City Auditor's recommendations and address other concerns and forward the amendments for consideration by the full Council.

Specifically, for the City Attorney - working with staff from the Council President's office - to analyze and draft language to amend Council Policy 000-13 to:

1. Create a Brown Act compliant appointment process for the Council to use when the Mayor has not made an appointment after a position has been vacant for 45 days which may include the following steps:

- Council President issue call for 10-day nomination period.
- Nomination memos submitted to IBA.
- IBA transmits to Council President's Office
- Council President's Office docket the item for interviewing and selecting appointee With the interpretation of a vacancy as when a term expires or upon resignation of the member.

2. Codify the need to ensure resignations are sent to the Clerk for processing and updating the register and for ensuring the City is compliant with FPPC requirements for those boards who file Statements of Economic Interests.

3. Codify that background checks will not be required unless expressly required by the governing law for the board or commission.

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

Council President's Office: Corinne Wilson, (619) 236-6699

City Attorney Contact: Sharon Spivak

ADOPTION AGENDA

DISCUSSION, RESOLUTIONS TO BE ADOPTED:

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

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-2021-24)

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

Subitem-B: (R-2021-25)

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

Subitem-C: (R-2021-26)

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

Committee Actions Taken: N/A

Debt Management: Richard Eyre, (619) 236-6899

City Attorney Contact: David Powell

Item 332: Reservation of Rights Agreement with SDG&E for Montezuma/Mid City Pipeline Phase 2.

Total Estimated Cost of Proposed Action and Funding Source:

See Staff Report for fiscal considerations.

Council District(s) Affected: 9.

Proposed Actions:

(R-2021-2)

Resolution authorizing the Mayor, or his designees, to execute a Reservation of Rights Agreement with SDG&E for relocation of utility conflicts relating to the Mid-City/Montezuma Pipeline Project and to execute a First Amendment to the Pure Water Reservation of Rights Agreement with SDG&E to provide funding for the Mid-City/Montezuma Pipeline Projects.

Committee Actions Taken: N/A

Public Works: Elif Cetin, (619) 533-3794

City Attorney Contact: Christine Leone

Item 333: FY 2020/2021 to FY 2024/2025 San Diego Regional Analysis of Impediments to Fair Housing Choice.

Total Estimated Cost of Proposed Action and Funding Source:

The proposed actions result in no fiscal impact to the City's General Fund.

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2021-29)

Resolution approving the 2020-2025 San Diego Regional Analysis of Impediments to Fair Housing Choice and authorizing submission to the U.S. Department of Housing and Urban Development.

Committee Actions Taken: N/A

*Economic Development: Michele Marano, (619) 236-6381
City Attorney Contact: Marguerite Middaugh*

Item S502: Housing Successor - Popular Market Site Disposition (Kilroy Realty Corporation). (Added 7/23/20)

Total Estimated Cost of Proposed Action and Funding Source:

The fiscal considerations will be determined based upon the ultimate disposition of the site, and whether additional City financial assistance is required. The magnitude of the options being considered could range from a positive contribution to the Low and Moderate Income Housing Asset Fund (LMIHAF) in excess of \$8M to a contribution of the site plus a potential subsidy from the LMIHAF in an amount of up to \$10.1M.

Council District(s) Affected: 3.

Proposed Actions:

(R-2021-20)

Resolution of the Council of the City of San Diego approving an Exclusive Negotiation Agreement with Kilroy Realty Corporation for a proposed sale of real property located on the south side of Broadway, between Park Boulevard and 13th Street, in the East Village Neighborhood of Downtown San Diego, commonly known as Popular Market.

Committee Actions Taken:

This item was heard at the Economic Development and Intergovernmental Relations Committee meeting on July 15, 2020.

ACTION: Motion by Councilmember Ward, second by Councilmember Montgomery, to recommend the City enter into an Exclusive Negotiation Agreement with the Developer as requested by staff with the requirement that proceeds from the sale of the property be transferred to the San Diego Housing Commission for a Memorandum of Understanding between the City and the Housing Commission with no unnecessary restrictions and will be used by the Housing Commission for the creation of or rehabilitation and preservation of affordable housing units in the City of San Diego.

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

*Economic Development: Christina Bibler, (619) 236-6421
City Attorney Contact: Kate Malcolm*

ADOPTION AGENDA

DISCUSSION, OTHER LEGISLATIVE ITEMS:

Item S500: Extension of Repayment Period Related to the Residential and Commercial Eviction Moratorium Due to the Declared State of Emergency from COVID-19. (Added 7/22/20)

Total Estimated Cost of Proposed Action and Funding Source: None.

Council District(s) Affected: Citywide.

Proposed Actions:

Subitem-A: (O-2021-9)

Introduction and adoption of an emergency Ordinance pursuant to Charter Section 295 amending Ordinance O-21177 entitled "A Emergency Ordinance of the Council of the City of San Diego pursuant to Charter Section 295 Enacting a Temporary Moratorium on Evictions Due to Nonpayment of Rent for Residential and Commercial Tenants Arising out of a Substantial Decrease in Income or Substantial Out-of-Pocket Medical Expenses Resulting from the Novel Coronavirus, Covid-19, or Governmental Response to Covid-19" to extend the time for repayment of unpaid rent.

6 votes required pursuant to Charter Section 295.

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

Subitem-B: (O-2021-10)

Introduction of an Ordinance amending Ordinance O-21177 entitled "An Emergency Ordinance of the Council of the City of San Diego pursuant to Charter Section 295 Enacting a Temporary Moratorium on Evictions Due to Nonpayment of Rent for Residential and Commercial Tenants Arising out of a Substantial Decrease in Income or Substantial Out-of-Pocket Medical Expenses Resulting from the Novel Coronavirus, Covid-19, or Governmental Response to Covid-19" to extend the time for repayment of unpaid rent.

Committee Actions Taken: N/A

Council District 9: Lara Gates, (619) 236-6699
City Attorney Contact: Heather Ferbert

ADOPTION AGENDA

DISCUSSION, NOTICED HEARINGS:

Item 334: Froude Residences - Project No. 604010.

Total Estimated Cost of Proposed Action and Funding Source:

No City expenditures are 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: 2.

Proposed Actions:

Subitem-A: (R-2021-21)

Resolution determining that the approval of the Froude Residence, Project No. 604010, Easement Vacation, Coastal Development Permit, Site Development Permit, and Vesting Tentative Map is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15301, 15303, 15305, and 15315;

Directing the City Clerk to file a Notice of Exemption with the Clerk of the Board of Supervisors for the County of San Diego regarding the Project.

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

Subitem-B: (R-2021-22)

Resolution adopting findings and granting Coastal Development Permit No. 2155137 and Site Development Permit No. 2258152 all relating to the Froude Residence, Project No 604010.

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

Subitem-C: (R-2021-23)

Resolution adopting findings and granting Vesting Tentative Map No. 2167006 and Easement Vacation No. 2362268 all relating to the Froude Residence, Project No 604010.

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

For purposes of Temporary Rule of Council 2.6, this is a quasi-judicial item. (Rev. 7/23/20)

Committee Actions Taken: N/A

Development Services: Bryan Hudson, (619) 446-5333
City Attorney Contact: Noah Brazier

Item 335: Olive Street Park Appeal of Environmental Determination – Project No. 625365.

Total Estimated Cost of Proposed Action and Funding Source:

No City expenditures are being authorized for the project - only staff expenditures in response to processing of the environmental appeal by the appellant. The project is funded by both Uptown Development Impact Fees and the City's General Fund.

Council District(s) Affected: 3.

Proposed Actions:

According to San Diego Municipal Code Section 112.0520(e) Power to Act on Appeal, the City Council shall consider the appeal and may:

(1) By a majority vote, deny the appeal and approve the environmental determination that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to Guidelines Section 15303 (New Construction) and Section 15332 (In-Fill Development Projects);

or

(2) By a majority vote, grant the appeal and set aside the environmental determination in accordance with San Diego Municipal Code Section 112.0520(f);

If the City Council grants the appeal, the lower-decision maker's decision to approve the project shall be held in abeyance. The City Council shall retain jurisdiction to act on the revised environmental determination and associated project at a subsequent public hearing.

Directing the City Attorney to prepare the appropriate resolution according to Section 40 of the City Charter.

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

For purposes of Temporary Rule of Council 2.6, this is a quasi-judicial item. (Rev. 7/23/20)

Committee Actions Taken: N/A

*Public Works: James Arnhart, (619) 533-5275
City Attorney Contact: Bonny Hsu*

PUBLIC NOTICES

Items are listed under Public Notices as a matter of public record only. These items do not require Council action and there is no public testimony.

Item 350: Submission of Ballot Proposals for the November 3, 2020 Ballot.

City Council Policy 000-21 establishes a procedure for submittal of ballot proposals, other processes -including citizen initiatives- may come before the City Council for consideration at other times. The Council Policy states that members of the public, Councilmembers, the Mayor or mayoral departments, independent department directors, or a public agency **shall submit proposals to the City Clerk**, who shall then transmit them promptly to Committee for review and comment. **Please submit all proposals to cityclerk@sandiego.gov**

EARLY SUBMISSION IS ENCOURAGED

Therefore, the City Clerk’s Office has established the following calendar for the November 3, 2020 election.

<u>DAY</u>	<u>DATE</u>	<u>DAYS BEFORE ELECTION</u>	<u>EVENT</u>
Friday	05/01/20	186	LAST DATE (5:00 p.m.) for public, departments and agencies to submit ballot proposals to City Clerk for review by Committee
Wednesday	05/13/20	174	Initial Committee review Measures that advance from initial review proceed to a second Committee review, where the Committee will

decide if they will be presented to the full Council for consideration

Monday – Friday	June – August 2020	155-94	Council discusses measures and adopts ordinances prepared by City Attorney to place measures on the ballot
Friday	08/7/20	88	Last day for City Clerk to file with Registrar of Voters election material (ordinances and resolutions related to the calling of election and measure(s), if any)
Tuesday	08/11/20	84	Last day to submit the Fiscal Impact Analysis; Ballot and Title Summary; and Impartial Analysis with City Clerk
Friday	08/14/20	81	Last day to file ballot arguments with City Clerk

Please check posted agendas for additional information.

If you have questions, please contact the Office of the City Clerk at cityclerk@sandiego.gov or (619) 533-4000.

Item 351: Ballot Measures Forwarded for Council Considerations.

The following ballot measure has been referred from the June 10, 2020 Rules Committee Meeting, for consideration for placement on the November 3, 2020 ballot:

- Amendment to San Diego Municipal Code 132.0505 Coastal Height Limit
- SD Clean Elections Ordinance
- “Top- Four” Ranked Choice Voting
- Request for Independent Legal Counsel for the Office of the City Auditor
- Updating City Contracting rules to protect state funding for San Diego

The following ballot measures had been referred from previous Rules Committee Meetings, for consideration for placement on the November 3, 2020 ballot:

- Amendments of City Charter Article VI Section 66, Board of Education Election Process
- Amendment of City Charter Article XVI to include board members of SDUSD
- Amendment to San Diego City Charter, Article V, Section 40, City Attorney. Establishment of an independent Commission on Police Practices

- Homelessness Affordable and Housing Bond

The following ballot measures had been referred from a previous City Council Meeting held on April 21, 2020, for consideration for placement on the November 3, 2020 ballot:

- Charter Amendment: City’s framework of Legal Counsel

The Council may discuss measures and adopt ordinances prepared by City Attorney to place measures on the ballot at Council meetings between July 6, 2020 through August 7, 2020.

Item 352: Examination of Ballot Materials.

July 1, 2020

Pursuant to San Diego Municipal Code Section 27.0403, candidate statements, the propositions and related ballot materials for said candidate races and propositions, to be submitted to the voters within the City of San Diego at the election of November 3, 2020, will be available for public examination for ten (10) calendar days commencing on the business day following the deadline for filing those ballot materials in the Office of the City Clerk. During the examination period, any voter registered in the City may seek a writ of mandate or an injunction requiring any or all of the ballot or sample ballot materials be amended or deleted. Please note the following examination periods:

<u>Document</u>	<u>Start date</u>	<u>End date</u>
Candidate Statements of Qualification and Designations of Principal Profession or Occupation	July 29, 2020	August 8, 2020
Ordinances calling election and Ordinances placing measures on the ballot	August 10, 2020	August 20, 2020
City Attorney’s impartial analysis, ballot title and summary, and Mayor/IBA/City Auditor’s fiscal analysis	August 12, 2020	August 22, 2020
Ballot arguments	August 17, 2020	August 27, 2020

For additional information regarding this matter, please contact the Office of the City Clerk at (619) 533-4000.

Item 353: Arguments Supporting or Opposing Measures.

For measures approved by the Council for submittal to the qualified voters of the City of San Diego at the Municipal General Election to be held on Tuesday, November 3, 2020, the City Clerk has fixed **5:00 p.m. on Friday, August 14, 2020,**

as a reasonable date prior to such election after which no arguments for or against City Measures may be submitted to the Clerk.

Any argument for or against any City measure shall not exceed 300 words in length and may be filed by the Council, or any member or members of the Council authorized by the Council, or the bona fide sponsors or proponents of the measure, or any bona fide association of citizens or individual voter, or any combination of voters and associations.

All arguments must be accompanied by a statement signed by each author that the argument is true and correct to the best of his/her knowledge and belief. (Forms for this statement are available in the Office of the City Clerk or at <http://www.sandiego.gov/city-clerk/forms/pdf/argumentsigform.pdf>.)

[San Diego Municipal Code section 27.0512](#) provides the priority for selection if more than one argument is submitted for, or against, any measure.

An argument shall not be accepted unless accompanied by the name or names of the person or persons submitting it, or if submitted on behalf of an organization, the name of the organization and the name of at least one of its principal officers. No more than five signatures shall appear with any argument submitted. In case any argument is signed by more than five persons, the signatures of the first five shall be printed.

Arguments may be changed or withdrawn by their proponents until and including the date fixed by the City Clerk.

Arguments shall be submitted to the City Clerk at the Office of the City Clerk, City Administration Building, 202 C Street, San Diego, California, 92101. Please call 619-533-4000 for further assistance.

Item 354: We All Count! Fill Out the 2020 Census Today.

Have you taken the 2020 Census yet?

Census data is used to determine the allocation of more than **\$800 billion dollars annually in federal funding** for social services, schools, infrastructure, and many more vital services. Now is the time to get involved and be counted. The last day to fill out the Census until an enumerator is sent to assist you is **May 1, 2020**. You can fill out the questionnaire online, over the phone or questionnaire. To fill out the 2020 CENSUS Questionnaire online, visit <https://my2020census.gov/>

For more information about what the San Diego region is doing to encourage Census participation, visit <https://www.countme2020.org/>

**Item S501: Notice of Pending Final Map Approval - Hilltop and Euclid.
(Added 7/22/20)**

Notice is hereby given that the City Land Surveyor has reviewed and will approve on the date of this City Council meeting that certain Final Map entitled "Hilltop and Euclid " (Resolution No. R-312079 and V.T.M. 1976638/PTS No. 560527) located at 922-1040 Euclid Avenue and 5012 Hilltop Drive, between Hilltop Drive and the SR-94, West of Euclid Avenue, in the CN-1-4 and RM-1-2 Zones within the Encanto Neighborhood Community Plan, the Community Plan Implementation Overlay Zone-A (CPIOZ-A), Transit Priority Areas, and the Airport Influence Area (AIA) Review Area 2 for the San Diego International Airport (SDIA) as depicted in the adopted 2014 Airport Land Use Compatibility Plan (ALUCP). The project site is legally described as "Portion of the Southeast Quarter of Lot 29 of Map of a Portion of Rancho Ex-Mission Lands of San Diego commonly known as Horton's Purchase, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 283, filed in the Office of the County Recorder of said County on March 9, 1878, official records. Specifically, the City Land Surveyor has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Land Surveyor to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 PM, 10 calendar days from the date of this City Council meeting stating briefly which of the above findings made by the City Land Surveyor was improper or incorrect and the basis for that conclusion. If you have questions about the map approval findings or need additional information about the map or your appeal rights, please feel free to contact Fred LePage (619) 446-5434.

NON-AGENDA ITEMS

REPORT OUT FROM CLOSED SESSION

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT