

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, August 04, 2020

**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
TUESDAY, AUGUST 04, 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.

ROLL CALL

INVOCATION

PLEDGE OF ALLEGIANCE

NON-AGENDA PUBLIC COMMENT

APPROVAL OF COUNCIL MINUTES

06/17/2020 Special

06/23/2020

06/30/2020

07/07/2020

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: First Amendment to Reimbursement Agreement (RA) for Black Mountain Ranch (BMR) North and Park Development Agreement (PDA) between the City of San Diego and BMR LLC and BMR Construction Inc. for the BMR Community Park Phase II, Project No. P-1.

Total Estimated Cost of Proposed Action and Funding Source:

This project will be funded by developer impact fees collected in Black Mountain Ranch. Total estimated cost is \$9,677,642.

Council District(s) Affected: 5.

Proposed Actions:

(O-2021-11)

Introduction of an Ordinance of the Council of the City of San Diego authorizing a first amendment to a Reimbursement Agreement for Black Mountain Ranch North and a Park Development Agreement for Project No. P-1, Black Mountain Ranch Community Park, in the Black Mountain Ranch Community Plan Area.

6 votes required pursuant to Charter Section 99.

Committee Actions Taken: N/A

Planning: Gaetano Martedi, (619) 533-3678

City Attorney Contact: Kate Malcolm

Item 51: Reimbursement Agreement with Sea Breeze 56, LLC for the Design and Construction of Infrastructure Projects in Torrey Highlands and Rancho Peñasquitos.

Total Estimated Cost of Proposed Action and Funding Source:

Reimbursement to Merge 56 for the construction of public facilities in Torrey Highlands and Rancho Peñasquitos of up to \$37,660,000.

Council District(s) Affected: 5, 6.

Proposed Actions:

(O-2021-12)

Introduction of an Ordinance of the Council of the City of San Diego authorizing a Reimbursement Agreement for the design and construction of projects T-3.1A, T-4B, T-3.1B, T-5.2, P-6, and U-3 in the Torrey Highlands and Rancho Peñasquitos Community Plan Areas.

6 votes required pursuant to Charter Section 99.

Committee Actions Taken: N/A

Public Facilities Planning: Angela Abeyta, (619) 533-3674

City Attorney Contact: Kate Malcolm

ADOPTION AGENDA

CONSENT, ORDINANCES TO BE ADOPTED:

Item 52: Amendments to the Land Development Code and the Local Coastal Program Will Add Movable Tiny Houses to the Ordinance for Companion Units and Junior Units as a Separately Regulated Use. A Movable Tiny House Would be Subject to Additional Restrictions.

Total Estimated Cost of Proposed Action and Funding Source:

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

Council District(s) Affected: Citywide.

Proposed Actions:

Adopt the following ordinance which was amended by Council action at the time of introduction on 7/21/2020, Item 335, Subitem B. (Council voted 9-0):

(O-2020-114 Rev.)

Ordinance amending Chapter 11, Article 3, Division 1 of the San Diego Municipal Code by amending Section 113.0103; amending Chapter 13, Article 1, Division 1 by amending Section 131.0112; 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 amending Section 131.0422; amending Chapter 13, Article 1, Division 5 by amending Section 131.0522; amending Chapter 13, Article 1, Division 6 by amending Section 131.0622; amending Chapter 13, Article 2, Division 15 by amending Sections 132.1510, 132.1515, and 132.1535; amending Chapter 14, Article 1, Division 3 by amending and renaming Section 141.0302; amending Chapter 14, Article 2, Division 6 by amending Sections 142.0640 and 142.0680; amending Chapter 15, Article 5, Division 2 by amending Section 155.0238; amending Chapter 15, Article 10, Division 3 by amending Section 1510.0303; and amending Chapter 15, Article 16, Division 1 by amending Section 1516.0112 relating to the permitting of Movable Tiny Houses.

Committee Actions Taken: N/A

Council District 7: Barrett Tetlow, (619) 236-6677

City Attorney Contact: Lindsey Sebastian

Item 53: Amendments to the General Plan, Downtown Community Plan, Centre City Planned District Ordinance, and Local Coastal Program.

Total Estimated Cost of Proposed Action and Funding Source:

There are no expenditures being authorized with this action.

Council District(s) Affected: 3.

Proposed Actions:

Adopt the following ordinance which was introduced on 7/21/2020, Item 333, Subitem A and B. (Council voted 9-0):

Subitem-A: (O-2020-132)

Ordinance amending Chapter 15, Article 6, Division 3 of the San Diego Municipal Code by amending Section 156.0310 and by amending Figures F and G, relating to Centre City Planned District.

Subitem-B: (O-2020-133)

Ordinance consisting of Amendments to the Downtown Community Plan, General Plan, and the City's local coastal program designating floor area ratios, height limits, and references to the Marina Planned District Ordinance within the Downtown Community Plan area.

Committee Actions Taken: N/A

Urban Division: Brad Richter, (619) 446-5147

City Attorney Contact: Noah Brazier

Item 54: Exemption of Seven (7) Positions in the City of San Diego from the Classified Service.

Total Estimated Cost of Proposed Action and Funding Source:

Of the 7 positions, six (6) are included in the Fiscal Year 2021 Adopted Budget and one (1) Program Coordinator in the Department of Finance is supplemental. The estimated cost for the supplemental position is anticipated to be \$157,275 and will be funded through anticipated savings in the department.

Council District(s) Affected: Citywide.

Proposed Actions:

Adopt the following ordinance which was introduced on 7/21/2020, Item S500. (Council voted 6-3, Councilmember Ward-nay, Councilmember Moreno-nay and Council President Gómez-nay):

(O-2020-139 Cor. Copy)

Ordinance authorizing the exemption of seven managerial positions from the Classified Service, based on advisory review and favorable comment by the Civil Service Commission on May 7, 2020, and June 4, 2020. This Action is brought under San Diego Charter Section 117(a)(17).

Committee Actions Taken: N/A

Department of Finance: Sally Rubi, (619) 236-7024
City Attorney Contact: Miguel Merrell

Item 55: **Amendment No. 2 to the Agreement with Black & Veatch Corporation for a No-Cost Time Extension for the Programmatic Water Transmission Pipelines Condition Assessment Project (H146197).**

Total Estimated Cost of Proposed Action and Funding Source:

There is no additional cost associated with this amendment.

Council District(s) Affected: Citywide.

Proposed Actions:

Adopt the following ordinance which was introduced on 7/21/2020, Item 50. (Council voted 9-0):

(O-2021-6)

Ordinance authorizing Amendment No. 2 to the Black & Veatch pipeline assessment contract, granting a No-Cost time extension for two additional years, until January 30, 2022.

6 votes required pursuant to Charter Section 99.

Committee Actions Taken: N/A

Public Utilities: Surraya Rashid, (858) 654-4112
City Attorney Contact: Ray Palmucci

Item 56: Approval of an Ordinance Authorizing the City to Implement a Program to Donate End-of-Life Computers to the San Diego Futures Foundation to Refurbish and Distribute to San Diegans in Need.

Total Estimated Cost of Proposed Action and Funding Source:

This is a net neutral ordinance; there are no costs associated with it.

Council District(s) Affected: Citywide.

Proposed Actions:

Adopt the following ordinance which was introduced on 7/21/2020, Item S502. (Council voted 9-0):

(O-2021-8)

Ordinance authorizing the Mayor, or his designee, to implement a program to be administered by the City's Chief Information Officer or his designee to allow for the donation of used computer equipment by the City to the San Diego Futures Foundation (SDFF) for SDFF to make available to nonprofit organizations, low income individuals, and other eligible participants, for a term of five years, and making the program exempt from the provisions of Section 22.0506 of the San Diego Municipal Code regarding the disposal of Obsolete or Depreciated property.

Committee Actions Taken: N/A

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

City Attorney Contact: Steven Lastomirsky

ADOPTION AGENDA

CONSENT, RESOLUTIONS TO BE ADOPTED:

Item 100: Modification of Loan Documents between City of San Diego, in its Capacity as Housing Successor, and 900 F Street Partners L.P.

Total Estimated Cost of Proposed Action and Funding Source:

Approval of the recommended actions will result in a fixed annual payment to the City's Low and Moderate Income Housing Asset Fund (LMIHAF) in the amount of \$183,141.28.

Council District(s) Affected: 3.

Proposed Actions:

(R-2021-47)

Resolution approving the modification of loan terms and amended loan documents between the City of San Diego and 900 F Street Partners, L.P., for 900 F Street, a multifamily rental housing project.

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 Council approval of staff's proposed actions.

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

Economic Development: Christina Bibler, (619) 236-6421

City Attorney Contact: Marguerite Middaugh

Item 101: Execute Reimbursement Agreement between City of San Diego and City of La Mesa for Montezuma/Mid-City Pipeline Phase 2 Project.

Total Estimated Cost of Proposed Action and Funding Source:

This action will authorize the execution of a reimbursement agreement between the City of San Diego and the City of La Mesa to provide an amount not-to-exceed \$194,465 for the reimbursement, from La Mesa to San Diego, for construction costs of additional improvements requested by City of La Mesa as part of the Montezuma/Mid-City Pipeline Phase 2 Capital Improvement Project.

Council District(s) Affected: 7, 9.

Proposed Actions:

(R-2020-614)

Resolution authorizing the Mayor, or his designee, to enter into an Agreement with the City of La Mesa to reimburse the City of San Diego for the costs of performing work to City of La Mesa's sewer system in amount not-to-exceed \$194,465 related to the Montezuma/Mid-City Pipeline Phase 2 project.

Committee Actions Taken: N/A

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

City Attorney Contact: Mark M. Mercer

Item 102: Authorization to Amend the Agreement with Stradling Yocca Carlson & Rauth, P.C. as Bond and Disclosure Counsel for the 2020 Lease Revenue Refunding Bonds.

Total Estimated Cost of Proposed Action and Funding Source:

The compensation authorized by the Agreement, as amended, will be paid out of the proceeds of the 2020 Lease Revenue Refunding Bonds.

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2021-34)

Authorization to amend the agreement with Stradling Yocca Carlson & Rauth, P.C. as bond and disclosure counsel for the 2020 Lease Revenue Refunding Bonds.

Committee Actions Taken: N/A

Office of the City Attorney: Bret A. Bartolotta, (619) 533-5894

Item 103: Authorization to Enter into a Compensation Agreement with Civic San Diego for the Construction of the Park Boulevard At-Grade Crossing project, the Downtown Wayfinding Signage Project, and the Imperial Avenue Streetscape Improvements project in the Downtown Community Plan Area, and the Encanto Neighborhoods Community Plan Area, and Approving Funding and Related Actions.

Total Estimated Cost of Proposed Action and Funding Source:

This action includes appropriation of \$21,000,000 from the Park Boulevard At-Grade State Appropriation Fund; appropriation of \$1,600,000 from the Parking Meter District Fund; and appropriation of \$365,000 from the Central Imperial Pooled Financing Bonds.

Council District(s) Affected: 3, 4.

Proposed Actions:

(R-2021-45)

Resolution of the Council of the City of San Diego authorizing a Compensation Agreement between the City of San Diego and Civic San Diego for construction of Park Boulevard At-Grade Crossing, Downtown Wayfinding Signage, and Imperial Avenue Streetscape Improvements in the Downtown and Encanto Neighborhood Community Plan Areas, approving funding and related actions.

Committee Actions Taken:

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

ACTION: Motion by Councilmember Montgomery, second by Councilmember Ward, to recommend Council approval of staff's proposed actions.

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

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

Item 104: Fiscal Year 2021 Amendments to the FY 2013 Torrey Highlands and FY 2014 Rancho Peñasquitos Public Facilities Financing Plans.

Total Estimated Cost of Proposed Action and Funding Source:

There are no City expenditures to be approved with this action. However, approval of the amendments to the Torrey Highlands and Rancho Peñasquitos Public Facilities Financing Plans will allow for future funding of the critical infrastructure needed for the Merge 56 development to proceed.

Council District(s) Affected: 5, 6.

Proposed Actions:

(R-2021-42)

Resolution approving amendments to the Torrey Highlands Public Facilities Financing Plan and the Rancho Peñasquitos Public Facilities Financing Plan.

Committee Actions Taken: N/A

Public Facilities Planning: Angela Abeyta, (619) 533-3674
City Attorney Contact: Adam Wander

Item 105: Construction Change Order 004 for 4196 Rochester Rd Storm Drain Emergency Project (B19131) to Modify the Contract with Flatiron West, Inc.

Total Estimated Cost of Proposed Action and Funding Source:

This change order increases the not-to-exceed amount of the original emergency sole source agreement by \$1,057,963.70 to a total of \$2,657,963.70, of which \$225,000 is from the Infrastructure Fund and \$832,963.70 is from the Capital Outlay-Misc. Revenue Fund.

Council District(s) Affected: 9.

Proposed Actions:

(R-2021-41)

Resolution authorizing the Mayor, or his designee, to execute Change Order No. 4 to the Agreement with Flatiron West, Inc. for construction services in an amount not-to-exceed \$1,057,963.70 in connection with Rochester Road Storm Drain Emergency.

Committee Actions Taken: N/A

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

City Attorney Contact: Mark Mercer

Item 106: Settlement of Candace Mitchell, et al v City of San Diego, United States District Court Case No. 17cv2014-GPC-BGS, Claim No. 17154.

Total Estimated Cost of Proposed Action and Funding Source:

Settlement amount of not more than \$71,000.00 plus a fringe amount attributable to backpay not-to-exceed an estimated \$3,000.00, will be paid from the Public Liability Fund.

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2020-630)

Resolution authorizing the settlement of Candace Mitchell, et al v City of San Diego, United States District Court Case No. 17cv2014-GPC-BGS, related to the claims of 35 lifeguards for overtime wages under the Fair Labor Standards Act. Risk No. 17154.

Committee Actions Taken: N/A

Office of the City Attorney: Alison Adema, (619) 533-5568

Item 107: Declaring a Continued State of Local Emergency Regarding the COVID-19 Virus.

Total Estimated Cost of Proposed Action and Funding Source:

There are no expenditures being authorized by this action.

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2021-27)

Resolution extending the local state of emergency due to the COVID-19 pandemic.

Committee Actions Taken: N/A

Office of the Mayor: Xiomalys Crespo, (619) 533-3977

City Attorney Contact: Dugard, Prescilla

PROCLAMATIONS/CEREMONIAL ITEMS (NOT PRESENTED IN CHAMBERS)

Item 30: City of San Diego Employee Appreciation Month.

MAYOR FAULCONER'S AND COUNCIL PRESIDENT GÓMEZ'S RECOMMENDATION:

Proclaiming August 2020, to be "City of San Diego Employee Appreciation Month" in the City of San Diego.

Item 31: Christine Gonzalez Day.

COUNCILMEMBER CAMPBELL'S RECOMMENDATION:

Proclaiming October 8, 2020, to be "Christine Gonzalez Day" in the City of San Diego.

Item 32: Lidia Martinez Day.

COUNCILMEMBER CAMPBELL'S RECOMMENDATION:

Proclaiming August 5, 2020, to be "Lidia Martinez Day" in the City of San Diego.

Item 33: Joseph Ciavarella Day.

COUNCILMEMBER WARD'S RECOMMENDATION:

Proclaiming August 4, 2020, to be "Joseph Ciavarella Day" in the City of San Diego.

Item 34: Massoud Foundation Day.

COUNCILMEMBER SHERMAN'S RECOMMENDATION:

Proclaiming September 8, 2020, to be "Massoud Foundation Day" in the City of San Diego.

Item 35: Environmental Health Coalition 40th Anniversary Day.

COUNCIL PRESIDENT GÓMEZ'S RECOMMENDATION:

Proclaiming August 20, 2020, to be "Environmental Health Coalition 40th Anniversary Day" in the City of San Diego.

**Item S500: 100th Anniversary of the 19th Amendment Day.
(Added 7/30/20)**

COUNCIL PRESIDENT PRO TEM BRY'S, COUNCILMEMBER
CAMPBELL'S, COUNCILMEMBER MONTGOMERY'S, AND
COUNCILMEMBER MORENO'S RECOMMENDATION:

Proclaiming August 26, 2020, to be "100th Anniversary of the 19th Amendment 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 AND ADOPTED:

Item 330: Consideration of a Temporary Supplemental Paid Sick Leave Ordinance Due to the Declared State of Emergency from COVID-19.

Total Estimated Cost of Proposed Action and Funding Source:

To be determined.

Council District(s) Affected: Citywide.

Proposed Actions:

(O-2021-13 Cor. Copy) (Rev. 7/30/20)

Introduction and adoption of an Emergency Ordinance pursuant to San Diego Charter Section 295, amending Chapter 3 of the San Diego Municipal Code by adding a new Article, 10, Division 1, titled City of San Diego Covid-19 Supplemental Sick Leave Ordinance.

6 votes required pursuant to Charter Section 295.

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

Committee Actions Taken: N/A

Council District 3: Molly Chase, (619) 236-6633

City Attorney Contact: Thomas J. Brady

ADOPTION AGENDA

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

Item S501: Citywide Interim Urgency Ordinance to allow Temporary Outdoor Business Operations for Instructional Studios, Commercial and Personal Services, such as Barbershops, Hair Salons, Massage Establishments, and Nail Salons, and Assembly and Entertainment Uses, such as Gyms, Fitness Centers, and Religious Assembly. (Added 7/30/20)

Total Estimated Cost of Proposed Action and Funding Source:

The City Council previously authorized the Chief Financial Officer to expend an amount not-to-exceed \$300,000 from General Fund Citywide Expenditures. This not-to-exceed amount will support local businesses by reimbursing the DSD Enterprise Fund for permitting

temporary Sidewalk Cafés and Pedestrian Plaza permits, and fund outreach efforts to assist businesses citywide.

Council District(s) Affected: Citywide.

Proposed Actions:

Subitem-A: (R-2021-52)

Resolution determining that the approval of an emergency Ordinance pursuant to Charter Section 295 and the urgency Ordinance provisions of California Government Code Section 65858 temporarily adding to and amending the Municipal Code related to supporting fitness centers, instructional studios, personal services, massage establishments, and places of religious assembly during the Novel Coronavirus, COVID-19, by allowing expansion of certain operations into the public right-of-way is statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA guidelines Sections 15269(c).

This subitem is not subject to the Mayor's veto

Subitem-B: (O-2021-15)

Introducing and adopting an emergency Ordinance pursuant to Charter Section 295 and the urgency Ordinance provisions of California Government Code Section 65858 temporarily amending Municipal Code Chapter 13, Article 1, Division 2, Section 131.0220; Chapter 13, Article 1, Division 4, Section 131.0420; Chapter 13, Article 1, Division 5, Section 131.0520; Chapter 13, Article 1, Division 6, Section 131.0620; Chapter 13, Article 1, Division 7, Section 131.0706; and a temporary addition to Municipal Code Chapter 14, Article 1, Division 6, all related to supporting fitness centers, instructional studios, personal services, massage establishments, and places of religious assembly during the Novel Coronavirus, COVID-19, by allowing expansion of certain operations into the public right-of-way.

This subitem is not subject to the Mayor's veto

This subitem requires 8 votes pursuant to California Government Code Section 65858

Subitem-C: (R-2021-53)

Resolution authorizing the use of funds approved by R-313154 for up to \$300,000 from General Fund Citywide Program Expenditures to be used to support permit applications and outreach for additional temporary outdoor operations.

Committee Actions Taken: N/A

*Development Services: Chris Larson, (619) 446-5368
City Attorney Contact: Noah Brazier*

ADOPTION AGENDA

DISCUSSION, RESOLUTIONS TO BE ADOPTED:

Item 331: Resolution to Reappropriate, Reallocate, and Expend up to \$700,000 in CARES Act Federal Funding for Specialized Outreach, Grants, and Technical Assistance to Small and Disadvantaged Businesses.

Total Estimated Cost of Proposed Action and Funding Source:

The Chief Financial Officer would be authorized to reappropriate and expend up to \$700,000 from the General Fund, Economic Development Department of the \$12,848,365 previously allocated towards the Small Business Relief Fund on June 9, 2020.

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2021-44)

Resolution authorizing the Chief Financial Officer to reappropriate \$700,000 previously allocated towards the Small Business Relief Fund, and to expend an amount not-to-exceed \$700,000 for the purpose of providing for specialized outreach, technical assistance, and grants to at-risk businesses in response to the COVID-19 emergency.

Committee Actions Taken: N/A

*Office of the Mayor: Xiomalys Crespo, (619) 533-3977
City Attorney Contact: Daphne Skogen*

ADOPTION AGENDA

DISCUSSION, NOTICED HEARINGS:

Item 332: Citywide Interim Urgency Ordinance to Allow Temporary Outdoor Business Operations, Temporary Signs, and Waivers for Fees and Assessments Associated with Special Event Permits for the Closure of Public Streets, Due to the Local Economic Impact and Declaration of a State of Emergency Resulting from the Novel Coronavirus, COVID-19.

Total Estimated Cost of Proposed Action and Funding Source:

The City Council previously authorized the Chief Financial Officer to expend an amount not-to-exceed \$300,000 from General Fund Citywide Expenditures. This not-to-exceed amount will support local businesses by reimbursing the DSD Enterprise Fund for permitting temporary Sidewalk Cafés and Pedestrian Plaza permits, and fund outreach efforts to assist businesses citywide.

Council District(s) Affected: Citywide.

Proposed Actions:

Subitem-A: (R-2021-46)

Resolution determining that the approval of an emergency ordinance pursuant to Charter Section 295 and the urgency ordinance provisions of the California Government Code Section 65858 temporarily amending the San Diego Municipal Code to support businesses due to the state of emergency resulting from the novel coronavirus, COVID-19, by allowing them to expand certain business operations is statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15269(c) and 15359.

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

Subitem-B: (O-2021-14)

Introduction and adoption of an emergency Ordinance pursuant to Charter Section 295 and the urgency ordinance provisions of the California Government Code Section 65858 extending a temporary amendment to San Diego Municipal Code Chapter 2, Article 2, Division 40, Section 22.4022; Chapter 12, Article 3, Division 4, Section 123.0403; Chapter 12, Article 6, Division 2, Section 126.0203; Chapter 12, Article 9, Division 2, Section 129.0203; Chapter 12, Article 9, Division 7, Section 129.0703; Chapter 13, Article 1, Division 5, Section 131.0520; Chapter 13, Article 1, Division 6, Section 131.0620; Chapter 14, Article 1, Division 4, Section 141.0421; Chapter 14, Article 1, Division 6, Section 141.0621; Chapter 14, Article 2, Division 5, Section 142.0510; Chapter 14, Article 2, Division 12, Sections 142.1205 and 142.1255; and Chapter 15, Article 7, Division 3, Section 157.0305 all relating to supporting businesses due to the state of emergency resulting from the novel coronavirus, COVID-19, by allowing them to expand certain business operations.

8 votes required pursuant to California Government Code Section 65858.

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

Committee Actions Taken: N/A

Development Services: Chris Larson, (619) 446-5368

City Attorney Contact: Noah Brazier

Item 333: Wilshire Terrace Vacation - Project No. 611694.

Total Estimated Cost of Proposed Action and Funding Source:

All costs associated with the processing of this project are paid from a deposit account funded by the applicant.

Council District(s) Affected: 3.

Proposed Actions:

The proposed project is a Public Right-of-Way Vacation and a Planned Development Permit for the vacation of an unimproved 0.083-acre portion of Myrtle Avenue. The 0.083-acre (3,598 square feet) project site is located at the intersection of Wilshire Terrace and Myrtle Avenue, south of 3505 Wilshire Terrace. (Rev. 7/29/2020)

Subitem-A: (R-2021-40)

Resolution determining that the approval of the Wilshire Terrace Vacation Project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332;

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-2021-38)

Resolution adopting findings for and approving the public Right-of-Way vacation of a portion of Myrtle Avenue for Wilshire Terrace Vacation Project No. 611694.

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

Subitem-C: (R-2021-39)

Resolution adopting findings for and granting Planned Development Permit No. 2429095 for Wilshire Terrace Vacation Project No. 611694.

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

Committee Actions Taken: N/A

Development Services: Edith Gutierrez, (619) 446-5117
City Attorney Contact: Noah Brazier

For purposes of Temporary Rule of Council 2.6, this is a quasi-judicial item. (Rev. 7/31/20)

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 355: Notice of Pending Final Map Approval - California Terraces – PA 61

Notice is hereby given that the City Engineer has reviewed and will approve on the date of this City Council meeting that certain final map entitled "California Terraces – PA 61" (V.T.M. No. 2152396, PTS No. 648290) located on Otay Mesa Road east of Caliente Avenue, in the RM-2-5 and CC-1-13 Zones within the Otay Mesa Community Plan, Council District 8, a copy of which is available for public viewing at the office of the San Diego City Clerk. Specifically, the City Engineer 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 Engineer 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 Engineer 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 Frederick R. LePage (619) 446-5434.

NON-AGENDA ITEMS

REPORT OUT FROM CLOSED SESSION

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT