

REVISED

CITY OF SAN DIEGO COUNCIL AGENDA



COUNCIL PRESIDENT

Sean Elo-Rivera • Ninth District

COUNCIL PRESIDENT PRO TEM

Joe LaCava • First District

COUNCILMEMBERS

Jennifer Campbell • Second District

Stephen Whitburn • Third District

Henry L. Foster III • Fourth District

Marni von Wilpert • Fifth District

Kent Lee • Sixth District

Raul A. Campillo • Seventh District

Vivian Moreno • Eighth District

Charles Modica

Independent

Budget Analyst

Mara W. Elliott

City Attorney

Diana J. S. Fuentes

City Clerk

City Administration Building

City Council Chambers- 12th Floor

202 C Street San Diego, CA 92101

Virtual Participation: <https://sandiego.zoomgov.com/j/1607807743>

To join by telephone: Dial 1-669-254 5252 + input Webinar ID: 160 780 7743

TUESDAY, JULY 30, 2024, AT 10:00 AM

FURTHER INFORMATION ON HOW TO PARTICIPATE IN THIS MEETING IS FOUND AT THE END OF THE AGENDA

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[ສໍາລັບຂໍ້ມູນເພີ່ມເຕີມກ່ຽວກັບວິທີການເຂົ້າຮ່ວມ ແລະ ສະແດງຄໍາຄິດເຫັນກ່ຽວກັບວາຍການການປະຊຸມສະພາ ກະລຸນາກົດລິງຄ໌ຕໍ່ໄປນີ້](#)

NOTICE: THE CITY COUNCIL MAY TAKE ANY ACTION WITH RESPECT TO THE ITEMS INCLUDED ON THIS AGENDA. RECOMMENDATIONS MADE BY STAFF DO NOT LIMIT ACTIONS THAT THE CITY COUNCIL MAY TAKE. MEMBERS OF THE PUBLIC SHOULD NOT RELY UPON THE RECOMMENDATIONS OF STAFF AS DETERMINATIVE OF THE ACTION THE CITY COUNCIL MAY TAKE ON A PARTICULAR MATTER.

OTHER LEGISLATIVE MEETINGS

The **SAN DIEGO HOUSING AUTHORITY** is scheduled to meet today. A separate agenda is published for it, and is available online and in the Kiosk located in front of the City Administration Building, 202 C Street SD, CA 92101. For more information, please contact the Housing Authority Secretary at (619) 578-7550. Internet access to the agenda is available at:

<https://sdhc.org/governance-legislative-affairs/housing-authority-of-the-city-of-san-diego/meeting/>

TUESDAY, JULY 30, 2024 AT 10:00 AM

ROLL CALL

LAND ACKNOWLEDGEMENT

PLEDGE OF ALLEGIANCE

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

ADOPTION AGENDA, CONSENT ITEMS

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

ADOPTION AGENDA

CONSENT, APPROVAL OF COUNCIL MINUTES:

Item 10: Approval of Council Minutes.

Proposed Actions:

Subitem-A: Approval of Council Minutes for June 3, 2024.

Subitem-B: Approval of Council Minutes for June 4, 2024.

ADOPTION AGENDA

CONSENT, ORDINANCES TO BE INTRODUCED:

Item 50: Authorize Execution of Agreement with San Diego County Regional Airport Authority for Fire-Rescue to Provide Emergency Medical and Stand-by Services at San Diego International Airport.

Total Estimated Cost of Proposed Action and Funding Source:

This is a cost-recoverable service for an amount not-to-exceed \$12,000,000 over the original five-year term beginning in Fiscal Year 2025 through Fiscal Year 2029, resulting in no fiscal impact to the City. If the renewal options are exercised, the not-to-exceed amount will increase to \$15,000,000 in the first one-year option period and \$18,000,000 in the second one-year option period.

Council District(s) Affected: Citywide.

Proposed Actions:

(O-2025-12)

Introduction of an Ordinance authorizing the Mayor to execute an Agreement between the City of San Diego and the San Diego County Regional Airport Authority for the San Diego Fire-Rescue Department to continue providing emergency medical services at the San Diego International Airport with reimbursement through June 2029, with two one-year renewal options, for a total not-to-exceed amount of \$18,000,000.

6 votes required pursuant to Charter Section 99.

Committee Actions Taken:

This item was heard at the Public Safety Committee meeting on July 10, 2024.

ACTION: Motion by Chair von Wilpert, second by Committee member Campbell, recommend Council approval of the Consent Agenda, including Items 1, 2, and 3 under the Transparent and Responsible Use of Surveillance Technology Ordinance, finding that the Staff Report, Privacy Advisory Board recommendations, and back up materials support findings under San Diego Municipal Code section 210.0106(b)(2) that: (A) the benefits to the community of the City's acquisition and use of the surveillance technology outweigh the costs; (B) the proposed use of the surveillance technology will safeguard civil rights and civil liberties; and (C) based on the facts and information presented to the City Council, there is no effective alternative to the proposed surveillance technology that provides a lesser financial cost to the City and impact on civil rights or civil liberties.

VOTE: 3-0; von Wilpert-yea, Campbell-yea, Whitburn-yea, Campillo-not present.

*Fire-Rescue: Colin Stowell, Fire Chief, (619) 533-4301
City Attorney Contact: Erin D. Kilcoyne*

Item 51: Amendments to Section 2, Article 6, Division 5 of the San Diego Municipal Code on the Composition of the Community Forest Advisory Board.

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

Council District(s) Affected: Citywide.

Proposed Actions:

(O-2025-7)

Introduction of an Ordinance amending San Diego Municipal Code Chapter 2, Article 6, Division 5, Sections 26.0501, 26.0502, and 26.0503 relating to the Community Forest Advisory Board.

Committee Actions Taken:

This item was heard at the Environment Committee meeting on May 23, 2024.

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

VOTE: 4-0; LaCava-yea, von Wilpert-yea, Campbell-yea, Elo-Rivera-yea.

Council District 1: Brian Elliott, (619) 510-6874

City Attorney Contact: Kathy Steinman

Item S504:

Ordinance Amending the San Diego Municipal Code Relating to the San Diego City Employees Retirement System Regarding Unwinding of Proposition B for Current San Diego Police Officers Association (POA) Represented Employees and POA-Represented Employees Hired on or After September 9, 2024, and the Extension of Certain Provisions of the Agreement to Similarly Situated Sworn Unrepresented Employees in the Police Department. (Added 7/26/24)

Total Estimated Cost of Proposed Action and Funding Source:

Please see the Fiscal Considerations section of the Staff Report.

Council District(s) Affected: Citywide.

Proposed Actions:

(O-2025-14)

Introduction of an Ordinance amending San Diego Municipal Code provisions relating to the San Diego City Employees' Retirement System regarding the unwinding of Proposition B for current San Diego Police Officer Association represented employees and those hired on or after September 9, 2024, and the extension of certain provisions to similarly situated unrepresented employees in the Police Department.

Committee Actions Taken: N/A

Human Resources: Erik Hanson, (619) 807-6269

City Attorney Contact: Thomas J. Brady

ADOPTION AGENDA

CONSENT, ORDINANCES TO BE ADOPTED:

Item 52: California Coastal Commission Modifications to the Housing Action Package 1.0 Amendments to the Municipal Code and Local Coastal Program.

Total Estimated Cost of Proposed Action and Funding Source:

There is no City expenditure being approved with this action.

Council District(s) Affected: Citywide.

Proposed Actions:

Adopt the following Ordinance which was introduced on 7/15/2024, Item 203 (Council voted 5-1, Councilmember Foster III-nay, Councilmember Campbell, Councilmember Whitburn, and Councilmember Campillo-not present):

Amendments to the Municipal Code and Local Coastal Program to adopt the California Coastal Commission's modifications to the Homes for All of Us – Housing Action Package Code Update. The City Council adopted the Homes for All of Us – Housing Action Package Code Update on March 1, 2022. State law requires the California Coastal Commission's certification of amendments to the Local Coastal Program before they can take effect in the Coastal Zone. The California Coastal Commission conditionally certified the Homes for All of Us – Housing Action Package Code Update and amendments to the Local Coastal Program with modifications on April 12, 2024. For the Homes for All of Us – Housing Action Package Update to take effect within the Coastal Zone, the City Council must adopt the modifications.

(O-2024-133)

Ordinance amending Chapter 14, Article 1, Division 3 of the San Diego Municipal Code by amending Section 141.0302; and amending Chapter 14, Article 3, Division 13 by amending Sections 143.1310 and 143.1315 relating to accepting the California Coastal Commission's modifications for certification of the Homes For All Of Us: Housing Action Package Code Update.

Committee Actions Taken: N/A

*Planning: Victoria Ortiz, (619) 236-6091
City Attorney Contact: Lauren Hendrickson*

Item 53: Exemption of Eight (8) Positions in the City of San Diego From Classified Service.

Total Estimated Cost of Proposed Action and Funding Source:

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

Council District(s) Affected: Citywide.

Proposed Actions:

Adopt the following Ordinance which was introduced on 7/16/2024, Item 50, Subitem A-E (Council voted 9-0):

Subitem-A: (O-2024-142)

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

Subitem-B: (O-2024-143)

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

Subitem-C: (O-2024-144)

Ordinance authorizing the exemption of one Program Manager position in the City's Library Department from the Classified Service, based on advisory review and favorable comment by the Civil Service Commission on June 6, 2024. This position will oversee the administration, coordination, assessment, evaluation, and strategic planning of security services for the

San Diego public library system. This Action is brought under San Diego Charter section 117(a)(17).

Subitem-D: (O-2024-145)

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

Subitem-E: (O-2024-146)

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

Committee Actions Taken:

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

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

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

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

City Attorney Contact: Miguel Merrell

Item 54: Exemption of Program Coordinator Position in SDCERS from the Classified Service.

Total Estimated Cost of Proposed Action and Funding Source:

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

Council District(s) Affected: Citywide.

Proposed Actions:

Adopt the following Ordinance which was introduced on 7/16/2024, Item 51 (Council voted 9-0):

(O-2024-147)

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

Committee Actions Taken:

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

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

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

SDCERS: Colin Brazile, (619) 525-3630

City Attorney Contact: Miguel Merrell

Item 55: Award of Three (3) Civil Engineering Services As-Needed Agreement.

Total Estimated Cost of Proposed Action and Funding Source:

Please see Staff Report.

Council District(s) Affected: Citywide.

Proposed Actions:

Adopt the following Ordinance which was introduced on 7/16/2024, Item 53 (Council voted 9-0):

(O-2024-153)

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

6 votes required pursuant to Charter Section 99.

Committee Actions Taken:

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

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

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

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

City Attorney Contact: Justin Stanek

Item 56: First Amendments to the As-Needed Transportation Engineering Services Agreements with Parsons Transportation Group, Inc. (H186986) and Kimley-Horn and Associates (H186985) and a Second Amendment to the As-Needed Civil Contract with Parsons Transportation Group, Inc. (H207141).

Total Estimated Cost of Proposed Action and Funding Source:

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

Council District(s) Affected: Citywide.

Proposed Actions:

Adopt the following Ordinance which was introduced on 7/16/2024, Item 54, Subitems A-C, (Council voted 9-0):

Subitem-A: (O-2024-151)

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

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

Subitem-B: (O-2024-152)

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

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

Subitem-C: (O-2024-149)

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

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

Committee Actions Taken:

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

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

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

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

City Attorney Contact: Ray Palmucci

Item 57: Pure Water Program – Second Amendment to the Agreement with CH2M Hill Engineers, Inc. for Engineering Services for the Design of the North City Metropolitan Biosolids Center (MBC) Improvements Project (H176825).

Total Estimated Cost of Proposed Action and Funding Source:

Please see Staff Report.

Council District(s) Affected: 6.

Proposed Actions:

Adopt the following Ordinance which was introduced on 7/16/2024, Item 55 (Council voted 9-0):

(O-2024-140)

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

6 votes required pursuant to Charter Section 99.

Committee Actions Taken:

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

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

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

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

City Attorney Contact: Elizabeth Cason

Item 58: Award Third Amendment to the Agreement (H176846) with Carollo Engineers, Inc. for Design Engineering Services for the North City Pure Water Facility.

Total Estimated Cost of Proposed Action and Funding Source:

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

Council District(s) Affected: 1.

Proposed Actions:

Adopt the following Ordinance which was introduced on 7/16/2024, Item 56 (Council voted 9-0):

(O-2024-141)

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

6 votes required pursuant to Charter Section 99.

Committee Actions Taken:

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

ACTION: Motion by Committee Member Campbell, second by Committee member Montgomery Steppe, to recommend Council approval of staff's proposed actions.

VOTE: 3-1; LaCava-yea, Campbell yea, Montgomery Steppe-yea, von Wilpert-not present.

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

City Attorney Contact: Elizabeth Cason

Item 59: Authorize the Second Amendment to Sole Source Contract #3991 with Somach, Simmons and Dunn for Legal Services Related to the Proposed San Vicente Energy Storage Facility.

Total Estimated Cost of Proposed Action and Funding Source:

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

Council District(s) Affected: Citywide.

Proposed Actions:

Adopt the following Ordinance which was introduced on 7/16/2024, Item 57 (Council voted 9-0):

(O-2024-137)

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

6 votes required pursuant to Charter Section 99.

Committee Actions Taken:

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

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

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

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

City Attorney Contact: Melissa D. Ables

Item 60: Ordinance of the Council of the City of San Diego Enacting a Nighttime Curfew at Pasatiempo Neighborhood Park (Undeveloped) and Pasatiempo Park West Open Space.

Total Estimated Cost of Proposed Action and Funding Source:

None. However, there is a related cost for labor and materials to install park signage to reflect the nighttime curfew and ordinance change. Estimated total cost for this project is \$1,338.00, including the installation of six signs placed at main points of entry into the park and open space and then strategically placed within, as well as associated staff costs. This will be allocated from the Parks and Recreation Department's operational budget.

Council District(s) Affected: 7.

Proposed Actions:

Adopt the following Ordinance which was introduced on 7/16/2024, Item 58 (Council voted 9-0):

(O-2024-150 Cor. Copy)

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

Committee Actions Taken:

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

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

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

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

City Attorney Contact: Nicole Pedone

Item 61: Award of the As-Needed Dam Safety Program Management Services Agreement with GEI Consultants, Inc. (H2426345-M).

Total Estimated Cost of Proposed Action and Funding Source:

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

Council District(s) Affected: Citywide.

Proposed Actions:

Adopt the following Ordinance which was introduced on 7/16/2024, Item S501 (Council voted 9-0):

(O-2024-154 Cor. Copy)

Ordinance approving the ten-year Agreement Between the City of San Diego and GEI Consultants, Inc. for As-Needed Dam Safety Program Management Services in an amount not-to-exceed \$100,000,000, and related actions.

6 votes required pursuant to Charter Section 99.

Committee Actions Taken:

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

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

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

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

City Attorney Contact: Melissa D. Ables

Item 62: Adoption of Building Code Updates and Updates to Permit and Application Rules.

Total Estimated Cost of Proposed Action and Funding Source:

Please see staff report.

Council District(s) Affected: Citywide.

Proposed Actions:

Adopt the following Ordinance which was introduced on 7/16/2024, Item S502, Subitem-A (Council voted 8-0, Councilmember von Wilpert-not present):

(O-2024-148 Cor. Copy 2)

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

Committee Actions Taken:

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

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

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

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

City Attorney Contact: Lauren Hendrickson

ADOPTION AGENDA

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

Item 63: Authorize First Amendment to Contract with California Commercial Pools, Inc. (Request for Proposal (RFP) No. 10089600-20-G) for Swimming Pool Plastering and Deck Work.

Total Estimated Cost of Proposed Action and Funding Source:

Please see staff report.

Council District(s) Affected: Citywide.

Proposed Actions:

Subitem-A: (R-2025-24)

Resolution determining that approval of the First Amendment to Contract resulting from Request for Proposal (RFP) 10089600-20-G with California Commercial Pools, Inc. is exempt from the California Environmental Quality Act pursuant to section 15301 of the CEQA Guidelines.

Subitem-B: (O-2025-13)

Introduction of an Ordinance authorizing the Mayor, or his designee, to execute the First Amendment to the Contract resulting from Request for Proposal (RFP) 10089600-20-G with California Commercial Pools, Inc., extending the Contract through November 15, 2027, adding \$9,000,000 for a total not-to-exceed amount of \$12,000,000, and include Exhibit D, Wage Requirements, to provide swimming pool plastering and deck work.

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

Committee Actions Taken:

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

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

VOTE: 3-1; Campbell-yea, Foster III-yea, Campillo-yea, von Wilpert-nay.

Parks & Recreation: Victor Nava, (619) 533-3575

City Attorney Contact: Hilda R. Mendoza

ADOPTION AGENDA

CONSENT, RESOLUTIONS TO BE ADOPTED:

Item 100: Ratification of Change Orders 5 & 7 to the Construction Contract with 3-D Enterprises, Inc. for Mission Bay Golf Course Clubhouse Demo/Portable Building Installation Project S-01090.Total Estimated Cost of Proposed Action and Funding Source:

The original construction contract amount of \$5,161,700.00 was previously authorized by Mayoral Action. This action is to ratify Change Orders No. 5 & 7. Change Order No. 5 did not increase the contract value, and Change Order No. 7 added \$459,596.08 to the contract amount. Funds are available in CIP S-01090, MBGC Clubhouse Demo/Portable Building Installation, Fund 700046. Please see the Staff Report for additional information.

Council District(s) Affected: 1.

Proposed Actions:

Subitem-A: (R-2025-40)

Resolution determining that the ratification of Change Orders 5 and 7 to design and finish the interior of the food service building in connection with the Mission Bay Golf Course Demolition and Portable Building Installation project is exempt from the California Environmental Quality Act pursuant to Section 15303 of the CEQA Guidelines.

Subitem-B: (R-2025-39)

Resolution ratifying Change Orders 5 and 7 to the Agreement with 3-D Enterprises, Inc. to design and finish the interior of the food service building associated with the Mission Bay Golf Course Clubhouse Demolition and Portable Buildings Installation project in an amount not-to-exceed \$459,596.08.

Committee Actions Taken:

This item was heard at the Active Transportation and Infrastructure Committee meeting on July 17, 2024.

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

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

Engineering & Capital Projects: Mark Calleran, (619) 533-5197

City Attorney Contact: Michael D. Johnston

Item 101: 25-Year Non-Profit Lease Between the City of San Diego and Prophet World Beat Productions, a California Non-Profit Public Benefit Corporation for City-Owned Property Located at 2100 Park Boulevard, San Diego, California, 92101, Commonly Known as the World Beat Center.

Total Estimated Cost of Proposed Action and Funding Source:

No City expenditures are being approved with this action.

Council District(s) Affected: 3.

Proposed Actions:

(R-2025-22)

Resolution approving a ground lease between the City of San Diego and Prophet World Beat Productions, a California nonprofit corporation, for the real property located at 2100 Park Boulevard, San Diego, California 92101, commonly known as the World Beat Center.

Committee Actions Taken:

This item was heard at the Land Use and Housing Committee meeting on July 11, 2024.

ACTION: Motion by Committee Member Whitburn, second by Committee Member Moreno, to recommend Council approval of staff's proposed actions.

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

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

City Attorney Contact: Julie Gough Inman

Item 102: Award Two Contracts in Response to Request for Proposal (RFP) 10090034-24-C, As-Needed Tree Maintenance and Tree Planting Services for Street Rights of Way.

Total Estimated Cost of Proposed Action and Funding Source:

See Staff Report for fiscal considerations.

Council District(s) Affected: Citywide.

Proposed Actions:

Subitem-A: (R-2025-43)

Resolution determining that approving two as-needed Services Agreements with Atlas Environmental Services, Inc. and West Coast Arborists, Inc. to provide citywide street tree maintenance, removal, and planting is exempt from the California Environmental Quality Act under Sections 15301(h) and 15304 of the CEQA Guidelines.

Subitem-B: (R-2025-42)

Resolution approving two as-needed Services Agreements with Atlas Environmental Services, Inc. and West Coast Arborists, Inc. to provide citywide street tree maintenance, removal, and planting, in an amount not-to-exceed \$11,170,000 over five years for the contract with Atlas Environmental Services, and in an amount not-to-exceed \$24,060,000 over five years for the contract with West Coast Arborists and related funding actions.

Committee Actions Taken:

This item was heard at the Environment Committee meeting on July 18, 2024.

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

VOTE: 4-0; LaCava-yea, von Wilpert-yea, Campbell-yea, Elo-Rivera-yea.

Transportation Department: John Ide, (619) 527-7508

City Attorney Contact: Ryan P. Gerrity

Item 103: Cypress Drive Grant Funds Acceptance and the Conversion of Cypress Drive to a One-Way Alley.

Total Estimated Cost of Proposed Action and Funding Source:

This action proposes the acceptance of \$1.5M in grant funding from SANDAG for the purpose of Cypress Drive Cultural Corridor Improvement project.

Council District(s) Affected: 8.

Proposed Actions:

Subitem-A: (R-2025-32)

Resolution determining that the conversion of Cypress Drive between San Ysidro Boulevard and Sellsway Street to a one-way alley is exempt from the

California Environmental Quality Act Pursuant to Section 15301 of the CEQA Guidelines.

Subitem-B: (R-2025-28)

Resolution authorizing the Mayor, or his designee, is authorized to enter into a pass-through agreement with HCD or SANDAG as necessary to accept and expend an amount not-to-exceed \$1,500,000 for CIP S-23011 of REAP 2.0 HIT grant funding awarded to SANDAG by HCD to support design and construction of the Cypress Drive Cultural Corridor project.

Authorizing Chief Financial Officer to increase the Capital Improvement Program (CIP) Budget in CIP S-23011, Cypress Dr. Cultural Corridor, and appropriate and expend an amount not-to-exceed \$1,500,000.00 within Fund 600001, Grant Fund – State, contingent upon a fully executed pass-through agreement.

Subitem-C: (R-2025-27)

Resolution authorizing the conversion of Cypress Drive between San Ysidro Boulevard and Sellsway Street to a one-way alley.

Committee Actions Taken:

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

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

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

Engineering & Capital Projects: Louis Schultz, (619) 533-5138

City Attorney Contact: Dominic Guglielmo

Item 104: Settlement of Jacob G., a Minor, by and Through his Guardian ad Litem, Amber Gibb v. City of San Diego, State Court Case 37-2023-00003981-CU-PO-CTL, Claim No. 30336.

Total Estimated Cost of Proposed Action and Funding Source:

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

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2024-233)

Resolution authorizing the settlement of Jacob G., a minor, by and through his Guardian ad Litem, Amber Gibb v. City of San Diego, State Court Case 37-2023-00003981-CU-PO-CTL, related to a claim of personal injuries arising out of an alleged dangerous condition of public property. Claim No. 30336.

Committee Actions Taken: N/A

Office of the City Attorney: Robert J. Rice, (619) 533-5629

Item 105: Settlement of Mehran Moussavian v. State Farm, San Diego Superior Court Case No. 37-2020-00003343-CU-IC-CTL, Claim No. 21574.

Total Estimated Cost of Proposed Action and Funding Source:

Settlement amount of \$7,837,485.00 will be paid from Water Utility Operating Fund.

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2024-675)

Resolution authorizing the settlement of Dr. Mehran Moussavian v. State Farm General Insurance Company, et al., San Diego Superior Court Case No. 37-2020-00003343-CU-IC-CTL related to an inverse condemnation claim as a result of an overflow at the La Jolla Country Club reservoir. Claim No. 21574.

Committee Actions Taken: N/A

Office of the City Attorney: Jenny K. Goodman, (619) 533-5822

Item 106: Settlement of Rebecca Wilhite v. City of San Diego, San Diego Superior Court No. 37-2022-00033987-CU-PO-CTL, Claim No. 28290.

Total Estimated Cost of Proposed Action and Funding Source:

Settlement amount of \$150,000.00 will be paid from Public Liability Fund.

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2024-634)

Resolution authorizing the settlement of Rebecca Wilhite v. City of San Diego, San Diego Superior Court No. 37-2022-00033987-CU-PO-CTL, related

to a claim of personal injuries arising out of an alleged dangerous condition of public property. Claim No. 28290.

Committee Actions Taken: N/A

Office of the City Attorney: Rayna A. Stephan, (619) 533-5818

Item 107: Appointment and Reappointments to the La Jolla Shores Planned District Advisory Board.

Total Estimated Cost of Proposed Action and Funding Source:

There are no City expenditures being authorized with this action.

Council District(s) Affected: 1.

Proposed Actions:

(R-2025-10)

Resolution confirming the Mayor's appointment of Janie Emerson, for a term ending April 1, 2025, and reappointments of Philip S. Wise and Kathleen Neil, for terms ending April 1, 2026, to the La Jolla Shores Planned District Advisory Board.

Committee Actions Taken: N/A

*Office of Boards and Commissions: Chida Warren-Darby, (619) 533-3940
City Attorney Contact: Justin Bargar*

Item 108: Appointments to the Resiliency Advisory Board.

Total Estimated Cost of Proposed Action and Funding Source:

There are no City expenditures being authorized with this action.

Council District(s) Affected: 1, 2, 3, 5, 6, 7, 9.

Proposed Actions:

(R-2025-18)

Resolution confirming the Mayor's appointments to the Resiliency Advisory Board of Ian Clampett, Cynthia Rose Harris, Erika Morgan, Stan Williams, Eric James Lardy, and A-bel Yee Gong for terms ending August 1, 2025, and Jamie Garrett and Andrew Meyer for terms ending August 1, 2024.

Committee Actions Taken: N/A

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

City Attorney Contact: Kathy Steinman

Item 109: Appointments to the Senior Affairs Advisory Board.

Total Estimated Cost of Proposed Action and Funding Source:

There are no City expenditures being authorized with this action.

Council District(s) Affected: 2, 4, 5, 7, 8, 9.

Proposed Actions:

(R-2025-20)

Resolution confirming the Mayor's appointments of Marissa Feliciano, Michelle Matter, Robert Prath, Mary Scott Knoll, and Juan Sotelo for terms expiring May 31, 2025, and Antoinette Alioto, Gwenmarie Hilleary, Jacqueline Jackson, Dr. James Burton Robinson, and Rosemary White-Pope for terms expiring May 31, 2026, to the Senior Affairs Advisory Board.

Committee Actions Taken: N/A

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

City Attorney Contact: Kathy Steinman

Item 110: Declaring a Continued State of Local Emergency Due to January 22, 2024 Winter Storm.

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

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2025-11)

Resolution declaring a continued state of local emergency related to the January 22, 2024 severe winter storm.

Committee Actions Taken: N/A

Office of the Mayor: Kohta Zaiser, (619) 236-6330

City Attorney Contact: Michelle Garland

Item 111: 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: N/A

Proposed Actions:

(R-2024-617)

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

Committee Actions Taken: N/A

City Attorney Contact: Noah J. Brazier

Item 112: Honorary Street Name: Recognition of Diane Powers at the Intersection of San Diego Avenue and Twiggs Street Pursuant to San Diego Municipal Code Section 125.1130, "Honorary Street Names," and Council Policy 200-10, "Honorary Street Names."

Total Estimated Cost of Proposed Action and Funding Source:

The funding for this honorary street title sign will be provided by Council District 2, in the amount of \$1,484.92.

Council District(s) Affected: 2.

Proposed Actions:

(R-2025-44)

Resolution designating the 2500 block of San Diego Avenue at the intersection of Twigg Street in the Old Town Community as "Diane Powers Way."

Committee Actions Taken: N/A

Council District 2: Manuel Reyes, (619) 236-6622

City Attorney Contact: Ryan P. Gerrity

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

PROCLAMATIONS/CEREMONIAL ITEMS (NOT PRESENTED AT THE MEETING)

Item 30: Chief Colin Stowell Day.

MAYOR GLORIA AND COUNCILMEMBER VON WILPERT'S RECOMMENDATION:

Proclaiming July 30, 2024, to be "Chief Colin Stowell Day" in the City of San Diego.

Item 31: Health Unit Coordinators Week.

COUNCIL PRESIDENT PRO TEM LACAVA AND COUNCILMEMBER LEE'S RECOMMENDATION:

Proclaiming the week of August 23-29, 2024, to be "Health Unit Coordinators Week" in the City of San Diego.

Item 32: Transgender History Month.

COUNCILMEMBER CAMPBELL, COUNCILMEMBER WHITBURN, COUNCILMEMBER VON WILPERT, AND COUNCILMEMBER CAMPILLO'S RECOMMENDATION:

Proclaiming August 2024, to be "Transgender History Month" in the City of San Diego.

Item 33: AVID Center Day 2024.

COUNCILMEMBER CAMPILLO'S RECOMMENDATION:

Proclaiming August 30, 2024, to be "AVID Center Day 2024" in the City of San Diego.

Item 34: Kelly Wood Day.

COUNCILMEMBER CAMPILLO'S RECOMMENDATION:

Proclaiming July 31, 2024, to be "Kelly Wood Day" in the City of San Diego.

**Item S502: Torrey Pines State Natural Reserve Fire Emergency Responder Day.
(Added 7/26/24)**

COUNCIL PRESIDENT PRO TEM LACAVA'S RECOMMENDATION:

Proclaiming July 30, 2024, to be "Torrey Pines State Natural Reserve Fire
Emergency Responder Day" in the City of San Diego. (Rev.7/26/24)

Item S503: Kim Desmond Day. (Added 7/26/24)

MAYOR GLORIA, COUNCIL PRESIDENT ELO-RIVERA, COUNCILMEMBER
FOSTER III, AND COUNCILMEMBER VON WILPERT'S RECOMMENDATION:

Proclaiming August 6, 2024, to be "Kim Desmond Day" in the City of San
Diego.

SPECIAL ORDERS OF BUSINESS

None.

ITEMS PULLED FROM CONSENT BY COUNCILMEMBERS

INFORMATIONAL AND ADOPTION AGENDA ITEMS (10AM SESSION)

ADOPTION AGENDA

10AM DISCUSSION, RESOLUTION TO BE ADOPTED:

Item S500: Approval of an Affordable Housing Loan Agreement with Rose Creek Village LP in an Amount not-to-exceed \$4,000,000 for the Rose Creek Village Affordable Housing Project. (Added 7/26/24)

This item will be considered in the morning session which is scheduled to begin at 10:00 a.m.

Total Estimated Cost of Proposed Action and Funding Source:

\$4,000,000 Community Development Block Grant (CDBG) funds

Council District(s) Affected: 1.

Proposed Actions:

(R-2025-25)

Resolution approving the loan agreement for the Rose Creek Village affordable housing project within the Pacific Beach Community Plan Area and authorizing a related loan in an amount not-to-exceed \$4,000,000, in Community Development Block Grant funds to the project developer, Rose Creek Village LP.

Committee Actions Taken: N/A

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

City Attorney Contact: Marguerite Ella Middaugh

Item S501: Approval of an Affordable Housing Loan Agreement with Terrasini CIC, LP in an amount not to exceed \$825,000 for the Terrasini Affordable Housing Project. (Added 7/26/24)

This item will be considered in the morning session which is scheduled to begin at 10:00 a.m.

Total Estimated Cost of Proposed Action and Funding Source:

Please see the staff report.

Council District(s) Affected: 2.

Proposed Actions:

(R-2025-31)

Resolution of the Council of the City of San Diego approving the loan agreement for the Terrasini Senior Apartments Affordable Housing Project within the Clairemont Mesa community plan area and authorizing a related loan in an amount not-to-exceed \$825,000 to the project developer, Terrasini CIC, LP

Committee Actions Taken:

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

City Attorney Contact: Andrew J. Alfonso

NON-AGENDA PUBLIC COMMENT

This portion of the agenda provides an opportunity for members of the public to address the Council on items of interest within the jurisdiction of the Council. (Comments relating to items on today's docket are to be taken at the time the item is heard.)

Per Rule 2.7.2, Non-Agenda Public Comment is limited to two (2) minutes per speaker. Speakers may not allocate their time to other speakers. If there are eight (8) or more speakers on a single issue, the maximum time allotted for that issue will be sixteen (16) minutes. Additionally, non-agenda public comment during the 10am session may be limited to 30 minutes at the discretion of the Council President for meeting management purposes. If some Non-Agenda Public Comment is trailed, any remaining speakers will be given an opportunity to speak during the 2pm session after Council concludes the Information and Adoption agenda items for the day.

ADJOURNMENT

TUESDAY, JULY 30, 2024 AT 2:00 PM

The 2:00 p.m session has been adjourned, the City Council will convene for a Special Meeting on Tuesday, July 30, 2024 at 1:00 p.m. or shortly thereafter the adjournment of the regularly scheduled meeting being held on Tuesday, July 30, 2024 at 10:00 a.m. (Rev. 7/26/24)

HOW TO SPEAK TO A PARTICULAR ITEM OR DURING NON-AGENDA PUBLIC COMMENT:

Members of the public shall be given the opportunity to address the Council. The Council President may reduce the amount of time available to each speaker to appropriately manage the meeting and ensure the Council has time to consider all the agenda items. A member of the public may only provide one comment per agenda item.

Pursuant to the Levine Act (Gov't Code Section 84308), any party to a permit, license, contract (other than competitively bid, labor or personal employment contracts) or other entitlement before the Council is required to disclose on the record any contribution, including aggregated contributions, of more than \$250 made by the party or the party's agents within the preceding 12 months to any Council Member. Participants and agents are requested to make this disclosure as well. The disclosure must include the name of the party or participant and any other person making the contribution, the name of the recipient, the amount of the contribution, and the date the contribution was made.

In-Person Comment on Agenda Items

Each speaker must file a written request (speaker slip) with the City Clerk at the meeting at which the speaker wishes to speak indicating which item they wish to speak on. Speaker slips may not be turned in prior to the day of the meeting or after completion of in-person testimony. In person testimony will conclude before virtual testimony begins.

Each person who wishes to address the Council shall approach the podium and state who they are representing if they represent an organization or another person.

For meeting management during the Proclamation and Consent portions of the agenda, speakers will have one (1) minute per item and up to a maximum of three (3) minutes if there are three (3) or more items in that portion of the agenda.

For discussion and information items each speaker may speak up to three minutes, subject to the Council President's determination of the time available for meeting management purposes, in addition to any time ceded by other members of the public who are present at the meeting and have submitted a speaker slip ceding them time. These speaker slips should be submitted together at one time to the City Clerk. The Council President may also limit organized group presentations of five or more persons to 15 minutes or less.

Virtual Public Comment on Agenda Items

Members of the public may participate virtually (by telephone or internet streaming) as indicated below. Speakers who wish to provide virtual public comment must enter the virtual queue by raising their virtual hands before the queue closes. The queue will close when the last virtual speaker finishes speaking or five minutes after in-person testimony ends, whichever happens first.

For meeting management during the Proclamation and Consent portions of the agenda, speakers will have one (1) minute per item and up to a maximum of three (3) minutes if there are three (3) or more items in that portion of the agenda.

For discussion and information items each speaker may speak up to three minutes, subject to the Council President's determination of the time available for meeting management purposes. Speakers participating virtually may not allocate their time to other speakers and may not share video or visual aids (i.e. pdf, ppt, docs) during their comment period.

Quasi-Judicial Items. Organized group presentations for quasi-judicial items will be allowed up to 15 minutes per side to speak either for or against an item for a total of 30 minutes. If more than one group on the same side requests an organized presentation, the 15 minutes will be divided between each group for that side. Please contact the Project Manager as listed as the primary contact on the staff report for that item to indicate your desire to present.

Non-Agenda Public Comment

Every agenda for a regular Council meeting shall provide a period on the agenda for members of the public to address the Council on items of interest to the public that are not on the agenda but are within the jurisdiction of the Council. Non-Agenda Public Comment shall be subject to the exercise of the Council President's discretion for a given agenda. In order to ensure that the Council has time to consider all agenda items, Non-Agenda Public Comment on particular issues and for each individual speaker will be as follows:

Each speaker will be limited to two minutes. Speakers may not allocate their time to other speakers. If there are eight or more speakers on a single issue, the maximum time for the issue will be 16 minutes. The order of speaking generally will be determined on a first-come, first-served basis, however, priority may be given to speakers who have not addressed the legislative body during Non-Agenda Public Comment at the last regularly scheduled Council meeting. A member of the public may only provide one non-agenda comment per agenda.

In-Person Non-Agenda Public Comment

Each speaker who wishes to address the Council must file a written request (speaker slip) with the City Clerk at the meeting at which the speaker wishes to speak. Speaker slips may not be turned in prior to the meeting date or after completion of in-person testimony. In-person testimony shall conclude before virtual testimony begins.

Each person who wishes to address the Council shall approach the podium and state who they are representing if representing an organization or another person.

Virtual Non-Agenda Public Comment

Speakers who wish to provide virtual Non-Agenda Public Comment must enter the virtual queue by raising their virtual hands before the queue closes. The queue will close when the last virtual speaker finishes speaking or five minutes after in-person testimony ends, whichever happens first. Those participating virtually may not share video or visual aids (i.e. pdf, ppt, docs) during their non-agenda comment period.

Please note: On Tuesdays, Non-Agenda Public Comment is taken during the 10am session, but some Non-Agenda Public Comment may be trailed, at the Council President's discretion for meeting management purposes.

Comment on Agenda Items, Non-Agenda Public Comment, and Closed Session Public

Comment may also be submitted using the [webform](#) indicating the comment type and item number (if relevant) for which you wish to submit your comment. Comments received by 8:00 AM the day of the meeting will be distributed to the City Council and posted online with the meeting materials. All webform comments are limited to 500 words but may include attachments. Comments received after 8:00 AM the day of the meeting but before the item is called will be submitted into the written record for the relevant item.

Written Materials. Instead of submitting written materials as an attachment to the webform you may submit via U.S. Mail to the City Clerk's attention at 202 C Street, MS2A San Diego, CA 92101. Materials submitted via U.S. Mail must be received no later than one business day prior to the meeting to be distributed to the City Council. Comments received via U.S. Mail on the day of the meeting will be submitted into the written record for the relevant item.

The public may view the meetings on public television (within the City of San Diego only) on City TV Channel 24 for Cox Communications and Spectrum or Channel 99 for AT&T U-Verse, or [view the meetings online \(link is external\)](#)