CITY OF SAN DIEGO COUNCIL AGENDA



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City Administration Building City Council Chambers- 12th Floor 202 C Street San Diego, CA 92101

Virtual Participation: https://sandiego.gov/councilmtg

To join by telephone: Dial 1-833 568 8864 + input **Webinar ID**: 160 730 3719

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

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LATE-ARRIVING MATERIALS

Pursuant to the Brown Act, California Government Code Section 54957.5(b), late-arriving documents related to City Council meeting agenda items which are distributed to the legislative body prior to and during the Council meeting are available for public review in the Office of the City Clerk, Information Services Counter in the Lobby of the City Administration Building, 202 C Street, San Diego, CA 92101. This relates to those documents received after the agenda is publicly noticed and during the 72 hours prior to the start of the meeting. Please note: Approximately one hour prior to the start of the Council Meeting, the documents will be available just outside Council Chambers in the lobby of the 12th floor of the City Administration Building in a binder labeled "Late Arriving Materials" Late-arriving materials received during the City Council meeting are available for review by making a verbal request of City Clerk staff located in Council Chambers.

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.

Requests for translation services to offer public comment may be made by contacting the City Clerk at (619) 533-4000 or email to: cityclerk@sandiego.gov. The City is committed to addressing language translation requests swiftly in order to maximize public participation. For more information on how to participate and comment on an issue at Council meetings, click this link.

Las solicitudes de servicios de traducción para ofrecer comentarios públicos se deberán hacer poniéndose en contacto con la City Clerk al (619) 533-4000 o por correo electrónico a:cityclerk@sandiego.gov. La ciudad se compromete a responder rápidamente a las solicitudes de traducción de idiomas con el fin de maximizar la participación del público. Para obtener más información sobre cómo participar y expresar comentarios sobre un asunto en las juntas del Concejo, haga clic en este enlace.

Upang kayo ay matulungan na maisalin sa wikang Ingles ang inyong mga puna, mungkahi, o komento para sa Bayan ng San Diego, maaari pong makipag-ugnayan sa City Clerk sa telepono (619-533-4000) o email (cityclerk@sandiego.gov). Hangad ng Pamahalaang Bayan ng San Diego ang inyong pakikilahok sa usapang pambayan at handa itong magbigay ng agarang tulong na kinakailangan sa pagsasaling-wika ng inyong mga komento. Para sa higit pang impormasyon tungkol sa kung paano sumali at magbigay ng komento sa item sa mga pagpupulong ng Konseho, mangyaring i-click ang sumusunod na link.

Cần dịch vụ thông dịch để phát biểu ý kiến trước công chúng, xin hãy liên hệ với City Clerk (Thư Ký Thành Phố) theo số (619) 533-4000 hoặc email đến cityclerk@sandiego.gov. Thành phố cam kết sẽ giải quyết các yêu cầu thông dịch một cách nhanh chóng để gia tăng sự tham dự của công chúng. Để biết thêm thông tin về cách tham gia và đưa ra ý kiến về một mục tại các cuộc họp của Hội đồng, xin vui lòng nhấp vào liên kết dưới đây.

يمكن تقديم طلبات خدمات الترجمة لتقديم تعليقات عامة عن طريق الاتصال بكاتب المدينة على المدينة على تلتزم المدينة بمعالجة mailto: cityclerk@sandiego.gov أو 619) طلبات الترجمة اللغوية بسرعة من أجل زيادة المشاركة العامة المزيد من المعلومات حول كيفية المشاركة والتعليق على أي موضوع في اجتماعات المجلس، يرجى الضغط على الرابط التالي المزيد من المعلومات حول كيفية المشاركة والتعليق على أي موضوع في اجتماعات المجلس، يرجى الضغط على الرابط التالي

パブリックコメントを要求するための翻訳サービス依頼は、市の書記(電話:619-533-4000またはメール:mailto:cityclerk@sandiego.gov)に連絡することによって行うことができます。市は、市民の参加を最大化するために、言語翻訳の依頼に対応することに取り組んでいます。審議会の参加方法や議案への意見提供方法についての詳細は、以下のリンクをクリックしてください。

샌디에고 시에 의견을 보내시기 위해 번역 서비스가 필요하시면 시 서기 사무실 (619) 533-4000 또는mailto:cityclerk@sandiego.gov로연락주시기바랍니다. 시는 대중의 참여를 극대화하기 위해 언어 번역 요청을 신속하게 처리하려고 최선을 다하고 있습니다. 시의회 회의에 참여하는 것과 안건 항목에 대해 의견을 제의하는 것에 관한 자세한 정보를 원하시면 다음의 링크를 클릭하십시오.

為了鼓勵更多市民參與 '公眾意見', 市政府設定了快捷的中文翻譯服務。 如你有任何關於 '公開意見' 想發表, 請致電: (619) 533-4000, 或電郵 cityclerk@sandiego.gov 我們會為你翻譯。有 关如何参加市议会会议并就项目发表意见的更多信息,请点击以下链接。

"ການຮ້ອງຂໍບໍລິການນາຍແປພາສາເພື່ອສະເໜີຄຳຄິດເຫັນຕໍ່ສາທາລະນະອາດສາມາດເຮັດໄດ້ໂດຍການຕິດຕໍ່ຫາ City Clerk ທີ່ (619) 533-4000 ຫຼືສົ່ງອີເມລຫາ: cityclerk@sandiego.gov. City ມີຄວາມມຸ່ງມັ້ນທີ່ຈະແກ້ໄຂຄຳຮ້ອງຂໍໃຫ້ແປພາສາຢ່າງໄວເພື່ອໃຫ້ປະຊາຊົນມີສ່ວນຮ່ວມສູງສຸດ." ສຳລັບຂໍ້ມູນເພີ່ມເຕີມກ່ຽວກັບວິທີການເຂົ້າຮ່ວມ ແລະ ສະແດງຄຳຄິດເຫັນກ່ຽວກັບລາຍການການປະຊຸມສະພາ 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.

MONDAY, JANUARY 13, 2025 AT 10:00 AM

ROLL CALL

INVOCATION

LAND ACKNOWLEDGEMENT

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT ON CLOSED SESSION

Click Here to Submit a
Comment

CLOSED SESSION PUBLIC COMMENT IS TAKEN DURING THE 10 AM MORNING PORTION OF THE AGENDA. THE COUNCIL ADJOURNS INTO CLOSED SESSION AT THE CONCLUSION OF THE CLOSED SESSION PUBLIC COMMENT AND RESUMES THE PUBLIC PORTION OF THE MEETING AT 2 PM.

PLEASE NOTE: Non-Agenda Public Comment will only be taken during the afternoon portion of the agenda at the conclusion of all informational/discussion items.

MONDAY, JANUARY 13, 2025 AT 2:00 PM

ROLL CALL

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

REQUESTS FOR CONTINUANCE BY COUNCILMEMBERS

ADOPTION AGENDA, DISCUSSION ITEMS

ADOPTION AGENDA

DISCUSSION, ORDINANCES TO BE INTRODUCED:

Click Here to Submit a
Comment

Item S400: Third Amendment to Agreement for Legal Services with Hugo Parker,

LLP to Provide Continued Legal Services as Panel Outside Counsel.

(Added 1/8/25)

This item will be considered in the afternoon session which is scheduled to begin at 2:00 p.m.

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:

(0-2025-63)

Introduction of an Ordinance authorizing the Third Amendment to the legal services agreement between the City and Hugo Parker, LLP extending the term of the agreement by two years to December 31, 2026.

6 votes required pursuant to Charter Section 99.

Committee Actions Taken: N/A

Office of the City Attorney: Paul H. James, (619) 533-5454

ADOPTION AGENDA

DISCUSSION, RESOLUTIONS TO BE ADOPTED:

Click Here to Submit a Comment

Item 200: Consideration of Nominees for Appointment to the Commission on Police Practices.

This item will be considered in the afternoon session which is scheduled to begin at 2:00 p.m.

Total Estimated Cost of Proposed Action and Funding Source:

No expenditures associated with this item.

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2025-327)

Resolution confirming the Council's appointments to the Commission on Police Practices.

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

Committee Actions Taken: N/A

Council District 1: Heidi Palmer, (619) 236-6611

City Attorney Contact: Kathy Steinman

Item 201: Recognized Obligation Payment Schedule for Fiscal Year 2025-2026.

This item will be considered in the afternoon session which is scheduled to begin at 2:00 p.m.

<u>Total Estimated Cost of Proposed Action and Funding Source:</u>

This action will approve the Nineteenth Recognized Obligation Payment Schedule (ROPS) for July 1, 2025 through June 30, 2026 (ROPS 19), also known as ROPS 25-26. Another action will approve the administrative budget. There are no new line items added to the ROPs 19. There is no impact to the General Fund.

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2025-318)

Resolution approving the Successor Agency's Nineteenth Recognized Obligation Payment Schedule for July 1, 2025, through June 30, 2026 (ROPS 19), approving an administrative budget for the ROPS 19 fiscal year, and authorizing the Mayor and Chief Financial Officer to carry out certain related actions.

Committee Actions Taken: N/A

Economic Development: Christina Bibler, (619) 236-6493

City Attorney Contact: Kevin Reisch

Item 202: Adoption of City of San Diego Creative City Cultural Plan.

This item will be considered in the afternoon session which is scheduled to begin at 2:00 p.m.

Total Estimated Cost of Proposed Action and Funding Source:

There are no costs associated with this action.

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2025-300)

Resolution approving the adoption of the Creative City Cultural Plan.

Committee Actions Taken:

This item was heard at the Economic Development and Intergovernmental Relations Committee meeting on December 11, 2024.

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

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

Department of Cultural Affairs: Jonathon Glus, (619) 236-6798 (Rev. 1/9/25) City Attorney Contact: Ken So

Item S401:

First Amendment to Agreement for Legal Services with Dean Gazzo Roistacher LLP to Provide Continued Legal Services as Panel Outside Counsel. (Added 1/8/25)

This item will be considered in the afternoon session which is scheduled to begin at 2:00 p.m.

<u>Total Estimated Cost of Proposed Action and Funding Source:</u>

The First Amendment to the Contract with the Law Firm is for an increase of \$1,000,000.00, for a total contract amount not-to-exceed \$1,500,000.00. Funding for this contract will come from the Public Liability Fund.

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2025-257)

Resolution authorizing the First Amendment to legal services agreement (LSA) with Dean Gazzo Roistacher, LLP to increase the total not-to-exceed amount to \$1,500,000.00 from \$500,000.00. The \$1,000,000.00 increase is necessary to continue work the Law Firm is currently performing on behalf of the City, which includes defending the City in the active litigation matter Pizarro, Miguel Angel v. Executor Administrator and/or Trustee of the Estate of Trevor James Heitmann, City of San Diego et al., Palmer Kearney Mesa Properties, LP v. City of San Diego, et al., and Shinn, Steven, et al. v. City of San Diego, et al. The firm will also assist in the City's defense of multiple lawsuits arising from the January 22, 2024, rain occurrence and flooding filed by over 1,200 plaintiffs, including Gregory Montoya et al. v. City of San Diego.

Committee Actions Taken: N/A

<u>n:</u> N/A

Office of the City Attorney: M. Travis Phelps, (619) 533-6370

Item \$402:

Second Amendment to Agreement with Buchalter APC to Provide Continuing Legal Services as Panel Outside Counsel. (Added 1/8/25)

This item will be considered in the afternoon session which is scheduled to begin at 2:00 p.m.

<u>Total Estimated Cost of Proposed Action and Funding Source:</u>

Funding of \$600,000.00 for this Second Amended Agreement will be paid from the Public Liability Fund.

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2025-284 Cor. Copy) (Rev. 1/9/25)

Resolution authorizing the Second Amendment to legal services agreement (LSA) with Buchalter APC, to increase the total not-to-exceed amount to \$2,000,000.00 from \$1,400,000.00. The \$600,000.00 increase is necessary to allow the Law Firm to continue representing the City in the De Anza litigation, 101 Ash litigation and to respond to insurance coverage issues arising from the January 22, 2024 flooding lawsuits (January 22, 2024 Flooding Litigation).

Committee Actions Taken: N/A

Office of the City Attorney: M. Travis Phelps, (619) 533-5814

Item S403:

Approval of Retention of McDougal Boehmer Foley Lyon Mitchell & Erickson to Represent the City in Multiple Lawsuits Arising From the January 22, 2024, Rain Occurrence and Flooding. (Added 1/8/25)

This item will be considered in the afternoon session which is scheduled to begin at 2:00 p.m.

Total Estimated Cost of Proposed Action and Funding Source:

The proposed amount is not-to-exceed \$500,000.00 and will be paid from the Public Liability Fund.

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2025-259)

Resolution approving the representation of McDougal Boehmer Foley Lyon Mitchell & Erickson (Law Firm), to provide legal representation and counseling relating to multiple lawsuits arising from the January 22, 2024, rain occurrence filed by over 1,000 claimants, including Gregory Montoya, et al. v. City of San Diego, San Diego Superior Court Case No. 37-2024-00021327-CU-EI-CTL and related matters. Risk Claim No. 21139.

Committee Actions Taken: N/A

Office of the City Attorney: M. Travis Phelps, (619) 533-6370

Item S404:

First Amendment to Agreement for Legal Services with Schwartz, Semerdjian, Cauley, Schena & Bush, LLP to Provide Continuing Legal Services as Panel Outside Counsel. (Added 1/8/25)

This item will be considered in the afternoon session which is scheduled to begin at 2:00 p.m.

<u>Total Estimated Cost of Proposed Action and Funding Source:</u>

The First Amendment to the Contract with the Law Firm is for an increase of \$1,000,000.00, for a total contract amount not-to-exceed \$1,500,000.00. Funding for this contract will come from the Public Liability Fund.

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2025-260)

Resolution authorizing the First Amendment to legal services agreement (LSA) with Schwartz, Semerdjian, Cauley, Schena & Bush to increase the total not-to-exceed amount to \$1,500,000.00 from \$500,000.00. The \$1,000,000.00 increase is necessary to continue work the Law Firm is currently performing on behalf of the City, which includes defending the City in the active litigation matter involving 101 Ash Street and multiple lawsuits arising from injuries sustained while riding rented electric scooters that include two electric scooter operators' bankruptcy/insolvency proceedings. The firm will also assist in the City's defense of multiple lawsuits arising from the January 22, 2024, rain occurrence and flooding filed by over 1,200 plaintiffs, including Gregory Montoya et al. v. City of San Diego."

Committee Actions Taken: N/A

Office of the City Attorney: M. Travis Phelps, (619) 533-6370

NON-AGENDA PUBLIC COMMENT

Click Here to Submit a
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 will be taken at the time the item is heard.)

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 250: Approval of the Final Map "Euclid Terrace".

NOTICE of Pending Final Map Approval

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 "Euclid Terrace" (T.M. No. 2482531, PTS No. 675101) located east of South Euclid Avenue and north of La Paz Drive at 549 1/4 S. Euclid Avenue, in the RS-1-7 zone, within the Encanto Neighborhoods Community Plan Area, Council District 4, 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 Greg Jeffries (619) 446-5132.

NON-AGENDA ITEMS

REPORT OUT FROM CLOSED SESSION

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

<u>ADJOURNMENT</u>

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.

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.

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:

<u>Each speaker will be limited to two minutes</u>. 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.

If providing comment in person, please submit your speaker slip and any visual aids to the City Clerk. In-person testimony shall conclude before virtual testimony begins.

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 Mondays, Non-Agenda Public Comment is taken during the 2pm session after all discussion items are complete. On Tuesday's non-agenda public comment is taken during the 10am session.

Comment on Agenda Items, Non-Agenda Public Comment, and Closed Session Public Comment may also be submitted using the <u>webform</u> 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)