

REVISED

CITY OF SAN DIEGO COUNCIL AGENDA



COUNCIL PRESIDENT

Joe LaCava • First District

COUNCIL PRESIDENT PRO TEM

Kent Lee • Sixth District

COUNCILMEMBERS

Jennifer Campbell • Second District

Stephen Whitburn • Third District

Henry L. Foster III • Fourth District

Marni von Wilpert • Fifth District

Raul A. Campillo • Seventh District

Vivian Moreno • Eighth District

Sean Elo-Rivera • Ninth District

Charles Modica

Independent

Budget Analyst

Heather Ferbert

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.gov/councilmtg>

To join by telephone: Dial 1-669 254 5252 + input Webinar ID: 160 943 0466

TUESDAY, MARCH 03, 2026, AT 10:00 AM and 2:00 PM

[Click Here to Submit a Comment](#)[Click Here to View Comments](#)

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

Joining the Webinar and Offering Phone-in Testimony

Members of the public may participate in City Council meetings in person or virtually using the Zoom Webinar platform. Members of the public can offer public comment on agenda items or during Non-Agenda Public Comment by accessing the meeting online using a desktop computer, laptop, tablet, or Smartphone, or by calling into the meeting using a Smartphone, cellular phone, or land line. **To raise your hand via a phone-in please press *9 and unmute when the Clerk calls on you by pressing *6.** If you are participating via the webinar platform please press the raise your hand icon and the unmute button when prompted.

Please click the link to join the webinar: <https://sandiego.gov/councilmtg>

To join by telephone: Dial 1-669 254 5252

When prompted, input **Webinar ID:** 160 943 0466

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](mailto: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

ROLL CALL

LAND ACKNOWLEDGEMENT

PLEDGE OF ALLEGIANCE

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

PROCLAMATIONS/CEREMONIAL ITEMS

[Click Here to Submit a Comment](#)

Item 30: Senior Chief Deputy City Attorney Diana Adams Day.

CITY ATTORNEY FERBERT AND COUNCILMEMBER VON WILPERT'S RECOMMENDATION:

Proclaiming March 3, 2026, to be "Senior Chief Deputy City Attorney Diana Adams Day" in the City of San Diego.

Item 31: Soroptimist International of San Diego Day.

COUNCILMEMBER WHITBURN'S RECOMMENDATION:

Proclaiming April 25, 2026, to be "Soroptimist International of San Diego Day" in the City of San Diego.

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:

[Click Here to Submit a Comment](#)

Item 50: Authorization to Modify the Existing Software as a Service Agreement with Smart Energy Water (SEW) for the MyWaterSD Web Portal and Mobile Applications, as a Result of Sole Source 4210, for an Additional Five-Year Term and Reduction of Term Amount from \$16,300,000.00 to \$5,500,000.00.

Total Estimated Cost of Proposed Action and Funding Source:

This modification decreases the not-to-exceed amount of the original as-needed agreement from \$16,300,000 to a total of \$5,500,000 over the additional five-year term which expires in April 2031. Approximately \$2,000,000 has already been spent under the existing agreement, leaving \$3,500,000 for FY 2026-2031. Expenditure of funds for as needed services is contingent upon sufficient funding being available in each participating City department's budget each fiscal year.

Council District(s) Affected: Citywide.

Proposed Actions:

(O-2026-95)

Introduction of an Ordinance authorizing the Mayor, or his designee, to execute Amendment No. 1 to the Contract with Smart Energy Systems, Inc., dba Smart Energy Water, extending the contract through April 20, 2031 and reducing the not-to-exceed amount from \$16,300,000.00 to \$5,500,000.00, in connection with the MyWaterSD portal project.

6 votes required pursuant to Charter Section 99.

Committee Actions Taken:

This item was heard at the Environment Committee meeting on February 12, 2026.

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

VOTE: 2-0; Elo-Rivera-yea, LaCava-yea, Campbell-not present.

Public Utilities: Dandelian Bagby, (619) 803-6882

City Attorney Contact: Justin Stanek

ADOPTION AGENDA

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

[Click Here to Submit a Comment](#)

Item 60: Adoption of the 2025 California Building Standards Code & Associated Municipal Code Amendments.

Total Estimated Cost of Proposed Action and Funding Source:

Administration of the Building, Electrical, Plumbing, and Mechanical, Residential Building, Green Building, Existing Building regulations and Wildland Urban Interface Regulations and the Fire Code for new construction, or for alterations to existing buildings, is based upon a fee for service paid for by applicants in the development process.

Council District(s) Affected: Citywide.

Proposed Actions:

Subitem-A: (R-2026-325)

Resolution determining that the adoption of the 2025 edition of the California Building Standards Code and local amendments to the San Diego Municipal Code are exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15061(b)(3).

Subitem-B: (O-2026-94)

Introduction of an Ordinance adopting the 2025 California Building Standards Code and local amendments to the San Diego Municipal Code.

Committee Actions Taken:

This item was heard at the Land Use and Housing Committee meeting on November 6, 2025.

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

VOTE: 4-0; Lee-yea, Moreno-yea, Elo-Rivera-yea, Campillo-yea.

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

City Attorney Contact: Noah Brazier

ADOPTION AGENDA

CONSENT, RESOLUTIONS TO BE ADOPTED:

[Click Here to Submit a
Comment](#)

Item 100: Second Amendment to Agreement with Lozano Smith to Provide Continued Legal Services as Panel Outside Counsel.Total Estimated Cost of Proposed Action and Funding Source:

The Second Amendment to the Agreement provides for an increase of \$500,000.00 for a total contract amount not-to-exceed \$1,500,000.00. Depending on the particular scope of work of an engagement, funding for this Agreement will come from the Public Liability Fund No. 720045, enterprise department funds, or the General Fund.

Council District(s) Affected: Citywide.Proposed Actions:

(R-2026-324)

Resolution authorizing approval of a Second Amendment to the Agreement with Lozano Smith (Law Firm) to increase the total not-to-exceed amount to \$1,500,000.00 from \$1,000,000.00. The \$500,000.00 increase is necessary to allow Law Firm to continue representing the City in employment litigation matters, including Arthur Scott v. City of San Diego, SDSC 37-2023-00004287-CU-OE-CTL, and Arthur Scott v. City of San Diego et al, San Diego Superior Court Case No. 25CU023391C and to allow Law Firm to assist in other matters as may become necessary.

Committee Actions Taken: N/A*Office of the City Attorney: Jim McNeill, (619) 533-5860***Item 101: FY 2026 Community Projects, Programs, and Services Funding Allocation from Council District 5 to the Rancho De Los Penasquitos Town Council Inc. for Fiesta De Los Penasquitos.**Total Estimated Cost of Proposed Action and Funding Source:

This Agreement with the Rancho De Los Penasquitos Town Council Inc., a nonprofit organization, for Fiesta De Los Penasquitos, is for an amount not-to-exceed \$5,000.00 in previously budgeted Fiscal Year 2026 Community Projects, Programs, and Services (CPPS) funds, pursuant to allocations by Council District 5.

Council District(s) Affected: 5.Proposed Actions:

(R-2026-331)

Resolution approving Fiscal Year 2026 Community Projects, Programs, and Services (CPPS) funding allocations, pursuant to Council Policy 100-06, recommended by Council District 5 to the Rancho De Los Peñasquitos Town Council Inc., a nonprofit organization, in an amount not-to-exceed \$5,000.

Committee Actions Taken: N/A

Council Administration: Malachi Bielecki, (619) 236-7709

City Attorney Contact: Alma Robbins

Item S500: Resolution Excusing Councilmember Marni von Wilpert from Certain City Council and Committee Meetings. (Added 2/26/26)

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

Council District(s) Affected: Citywide.

Proposed Actions:

(R-2026-326)

Resolution excusing Councilmember von Wilpert's absences from the following Council Meeting: March 17, 2025; May 13, 2025; and September 9, 2025, and Councilmember von Wilpert's absence from the Select Committee on Addressing Cost of Living meeting held on October 30, 2025.

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

Committee Actions Taken: N/A

Council District 5: Justin Garver, (619) 236-6655

City Attorney Contact: David J. Karlin

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

SPECIAL ORDER OF BUSINESS

None.

ITEMS PULLED FROM CONSENT BY COUNCILMEMBERS

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 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.

TUESDAY, MARCH 03, 2026 AT 2:00 PM

ROLL CALL

REQUEST FOR CONTINUANCE BY A COUNCILMEMBER FOR ITEMS TRAILED FROM MORNING OR ITEMS SCHEDULED FOR AFTERNOON SESSION

INFORMATIONAL ITEMS

[Click Here to Submit a Comment](#)

Item 330: Performance Audit of the City's Key Performance Indicators.

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: N/A

Council District(s) Affected: Citywide.

Proposed Actions:

This is an information item.

Committee Actions Taken: N/A

Office of the City Auditor: Nathan Otto, (619) 533-3018

ADOPTION AGENDA, DISCUSSION ITEMS

ADOPTION AGENDA

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

[Click Here to Submit a Comment](#)

Item S501: Consideration of an Empty Homes Tax Ballot Measure Proposal by Councilmember Sean Elo-Rivera. (Added 2/26/26)

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 a cost associated with placing ballot measures on the June 2026 ballot, which will be addressed when individual measures are considered by the full City Council. The City Clerk can advise the Council on this matter at the time the measures are considered by the full Council.

Council District(s) Affected: Citywide.

Proposed Actions: (Rev. 2/27/26)

Subitem-A: (O-2026-99)

Introduction and adoption of an ordinance submitting to the qualified voters of the City of San Diego, at the Municipal Special Election, consolidated with the California State Primary Election to be held June 2, 2026, one measure amending the San Diego Municipal Code by amending Chapter 3, Article 2, by adding Division 1, sections 32.0101 through 32.0123, relating to an Empty Homes Tax.

Subitem-A: This item is not subject to the Mayor's veto.

Subitem-B: (R-2026-342)

Resolution directing the City Attorney to prepare a ballot title and summary and an impartial analysis; directing the Mayor, Independent Budget Analyst, and City Auditor to prepare a fiscal impact analysis; and assigning ballot arguments, all regarding one measure amending the San Diego Municipal Code by amending Chapter 3, Article 2, by adding Division 1, sections 32.0101 through 32.0123, relating to an Empty Homes Tax, to be submitted to the qualified voters of the City of San Diego, at the Municipal Special Election, consolidated with the California State Primary Election to be held June 2, 2026.

Subitem-B: This item is not subject to the Mayor's veto.

Committee Actions Taken:

This item was heard at the Special Rules Committee Meeting on February 25, 2026.

ACTION: Motion by Councilmember Elo-Rivera, second by Council President Pro Tem Lee to recommend Council approval of staff's proposed actions with the following amendments:

Amend §32.0103 Definitions, under "Empty home exclusion period":

Empty home exclusion period means the disaster period, family in residence period, homeowner period, lease period, legacy owner hardship period, non-ownership period, owner death period, owner in care period, newly built housing period, or qualifying military service period.

Add the following definition in §32.0103: Newly built housing period means the period during which a builder's newly constructed residential unit remains vacant while being actively offered for sale, provided that such period shall not exceed two years from the date that the residential unit was first issued a certificate of occupancy.

VOTE: 5-0; LaCava-yea, Lee-yea, Campillo-yea, Moreno-yea, Elo-Rivera-yea.

Council District 9: Maya Rosas, 619-236-6699

City Attorney Contact: David Powell

NON-AGENDA ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT

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 \$500 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 to 10 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. Immediately following the City's presentation on the item, the Applicant (and/or the Appellant in the case of an appeal) will be allowed up to 10 minutes for an organized presentation. Longer than 10 minutes will only be granted if the City's presentation exceeds 10 minutes. No written request (speaker slip) need be filed with the Clerk for either the applicant or appellant for those presentations, instead please contact the City Clerk at cityclerk@sandiego.gov or 619-533-4000, before noon the Friday before the item is to be heard to ensure proper meeting management. Upon the conclusion of those presentations, the Council President will then open the item for Public Comment which will be managed by the City Clerk and the Council President as described under **In-Person Comment on Agenda Items** and **Virtual Public Comment on Agenda Items**.

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.

Audio/Visual Materials. Any audio or visual media should be submitted 24 hours before the meeting to cityclerk@sandiego.gov. Universal Serial Bus (USB) or other peripheral devices will not be accepted at any meeting.

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 \(link is external\)](#)