

CITY OF SAN DIEGO COUNCIL DOCKET



COUNCIL PRESIDENT

Sherrí Lightner • First District

COUNCIL PRESIDENT PRO TEM

Marti Emerald • Ninth District

COUNCILMEMBERS

Lorie Zapf • Second District

Todd Gloria • Third District

Myrtle Cole • Fourth District

Mark Kersey • Fifth District

Chris Cate • Sixth District

Scott Sherman • Seventh District

David Alvarez • Eighth District

**Andrea Tevlin
Independent
Budget Analyst**

**Jan Goldsmith
City Attorney**

**Liz Maland
City Clerk**

Council Chambers, 12th Floor, City Administration Building

Tuesday, October 4, 2016

**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
TUESDAY, OCTOBER 4, 2016, AT 10:00 AM
CITY ADMINISTRATION BUILDING
COUNCIL CHAMBERS – 12TH FLOOR
202 “C” STREET
SAN DIEGO, CA 92101**

This information will be made available in alternative formats upon request, as required by the Americans with Disabilities Act (ADA), by contacting the City Clerk at (619) 533-4000 or <mailto:cityclerk@sandiego.gov>. Requests for disability-related modifications or accommodations required to facilitate meeting participation, including requests for auxiliary aids, services or interpreters, require different lead times. Please keep this in mind and provide as much advance notice as possible in order to ensure availability. Assistive Listening Devices (ALDs) are available in Council Chambers upon request.

Pursuant to California Senate Bill 343 (Section 54957.5(b) of the Brown Act), 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 on the second floor 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 “SB 343.” 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.

NOTE: The public portion of the meeting will begin at 9:00 a.m. for public comment on Closed Session items. The City Council will meet in Closed Session this morning from 9:00 a.m. – 10:00 a.m. Copies of the Closed Session agenda are available in the Office of the City Clerk.

ROLL CALL

INVOCATION

PLEDGE OF ALLEGIANCE

APPROVAL OF COUNCIL MINUTES

The Council Minutes of the following meetings will be approved by Unanimous Consent unless pulled for discussion:

08/08/2016 - Adjourned
08/09/2016 - Adjourned
08/10/2016 - Special
08/15/2016 - Adjourned
08/16/2016 - Adjourned
08/22/2016 - Adjourned
08/23/2016 - Adjourned
08/29/2016 - Adjourned
08/30/2016 - Adjourned
09/05/2016 - Adjourned
09/06/2016 - Adjourned

ADOPTION AGENDA, CONSENT ITEMS

The Consent items listed beginning on the next page are considered to be routine, and the environmental documents have been considered. These items are indicated on the docket by a preceding asterisk (*). Because these items may be handled quickly, if you wish to be heard submit your Request to Speak from prior to the start of the meeting.

**ADOPTION AGENDA, CONSENT ITEMS
ORDINANCES TO BE INTRODUCED:**

* ITEM-50: Request to exempt three (3) positions from the City Treasurer's Office from the Classified Service.

ITEM DESCRIPTION:

This action is to exempt three (3) Program Coordinator positions from the Classified Service. These positions will assist in the administration and enforcement of the City's new Earned Sick Leave and Minimum Wage Ordinance.

STAFF'S RECOMMENDATION:

Introduce the following ordinance:

(O-2017-34)

Introduction of an Ordinance receiving and reviewing a Memorandum from Personnel Director Hadi Dehghani, dated September 2, 2016, which documents that, on September 1, 2016, the City's Civil Service Commission reviewed and favorably commented on a proposal from the Department to exempt three Program Coordinator positions from the Classified Service. The Program Coordinator positions will assist in the development of policies and procedures for the ESL & MW Ordinance Enforcement Office; conduct outreach to educate business owners and community groups; evaluate all complaints received and determine if a Notice of Violation needs to be issued; conduct field investigations and prepare documentary evidence; facilitate settlement conferences, negotiate penalties, or make a determination to go directly to an independent hearing officer; and prepare reports and presentations for distribution to management and the City Council;

Declaring that pursuant to Charter Section 117(a)(17), with the Civil Service Commission's review and approval, the City Council exempts from the Classified Service and declares to be in the Unclassified Service of the City three Program Coordinator positions, performing the duties set forth in the September 2, 2016, memorandum from Personnel Director Hadi Dehghani to the Honorable Council President and City Council, and in this ordinance.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

These are new positions that will be budgeted in Fiscal Year 2018.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

None.

Kulek/Lewis

Primary Contact\Phone: Robbin Kulek\619-236-6170, MS 51T

Secondary Contact\Phone: Tricia Mendenhall\619-235-5833, MS 51T

City Attorney Contact: Dawson, Joan F.

* ITEM-51: Environmental Science Research Institute (ESRI) Enterprise License Agreement in Support of Geospatial Software.

ITEM DESCRIPTION:

This action is to approve the Enterprise License Agreement with Environmental Science Research Institute (ESRI) for an amount not to exceed \$2,700,000 for the three year Agreement. This Contract will provide for support of Citywide geospatial software.

STAFF'S RECOMMENDATION:

Introduce the following ordinance:

(O-2016-155)

Introduction of an Ordinance authorizing the Mayor, or his designee, to execute an Agreement between the City and Environmental Science Research Institute (ESRI) Inc., for Geographic Information Systems (GIS) software licensing and support and maintenance services pursuant to the terms and conditions contained in the Agreement, with an amount not to exceed \$2,700,000;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$2,700,000 under the proposed Agreement with ESRI, Inc. for GIS software licensing and support and maintenance services with funding for each year being contingent upon the adoption of the Appropriation Ordinance for the applicable fiscal years, and contingent upon the Chief Financial Officer furnishing a certificate certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasury;

Authorizing the Chief Financial Officer, upon advice from the administrative department, to transfer excess funds, if any, to the appropriate reserves.

NOTE: 6 votes required pursuant to Section 99 of the City Charter.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The entirety of this first year cost is budgeted by the Department of Information Technology. The cost of previous contracts to date, since assignment from San Diego Data Processing Corporation (SDDPC) to the City November 28, 2011, is \$2,345,834. The first year cost is \$600,000 and is included in the Fiscal Year 2017 Budget. The FY18 cost is \$900,000 and the FY19 cost is \$1,200,000. Funding sources will continue to be participating departmental allocations to the Enterprise Geographic Information System (GIS) Fund as in previous years.

This is contingent upon the adoption of the Appropriation Ordinance for the applicable fiscal years and contingent upon the Chief Financial Officer furnishing a certificate certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

On September 14, 2016, the Budget and Government Efficiency Committee unanimously approved forwarding the ESRI Agreement to Council.

ACTION: Motion by Councilmember Sherman, second by Councilmember Cole, to recommend Council adopt the resolution.

VOTE: 4-0; Gloria-yea, Sherman-yea, Cole-yea, Cate-yea.

Behnke/Villa

Primary Contact\Phone: Scott Daeschner\619-851-5111, MS 51SD

Secondary Contact\Phone: Michelle Villa\619-236-6610, MS51SD

City Attorney Contact: Lastomirsky, Steve R.

- * ITEM-52: Contract with Helix Environmental Construction Group for Construction of the Wetland Mitigation Project (Contract K-16-1323-DBB-3-C). (Mission Valley Community Area. District 7.)

ITEM DESCRIPTION:

This action is for approval of a 6-year 4-month phase funded Contract Agreement (Phase 6 covers funding for FY 2022 and beyond until completion of project) with Helix Environmental Construction Group, not to exceed \$3,928,594.95, to construct the Wetland Mitigation Project. The mitigation site will restore 56 acres of native habitat within the San Diego River and provide Public Utilities Department, and other City Departments, with wetland mitigation credits to offset unavoidable impacts to environmentally sensitive lands. This action will also create an interest bearing, non-wasting special fund in which funds will be held and used for the long-term maintenance of the site following completion of this Contract.

STAFF'S RECOMMENDATION:

Introduce the following ordinance:

(O-2017-29 Cor. Copy)

Introduction of an Ordinance authorizing the Mayor, or his designee, to execute a phase funded Contract with Helix Environmental Construction Group for construction and maintenance of the Wetland Mitigation Site, in an amount not to exceed \$3,928,594.95, with a contract duration of six-years and four-months, contingent upon adoption of the Annual Appropriation Ordinance for the applicable fiscal year, and contingent upon the City Comptroller furnishing one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the Chief Financial Officer to expend an amount not to exceed \$3,928,594.95 from Muni Sewer Revenue Fund 700000, for the purpose of funding construction of the Wetland Mitigation Project, contingent upon adoption of the Annual Appropriation Ordinance for the applicable fiscal year, and contingent upon the Chief Financial Officer furnishing one or more certificates certifying that the funds necessary for expenditure under the established contract funding phases are, or will be, on deposit with the City Treasurer;

Authorizing the City Comptroller to establish an interest-bearing, nonwasting, special fund for the long term maintenance and management of the Wetland Mitigation Site;

Authorizing the Chief Financial Officer to accept, appropriate, and expend principal and interest from the special fund to support the long term maintenance and management of the Wetland Mitigation Site.

NOTE: 6 votes required pursuant to Section 99 of the City Charter.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

The total not to exceed amount is \$3,928,594.95, of which \$3,741,518.95 is for the Contract and \$187,076 is for contingency, for the six-years four-months phase funded contractual term. Funds for Phase 1, in the amount of \$2,610,551.95, are available in the Muni Sewer Revenue Fund 700000. Funds in the amount of \$1,318,043, for subsequent phases and contingency, will be available from Muni Sewer Revenue Fund 700000, contingent upon adoption of the Annual Appropriation Ordinance for the applicable fiscal year, and contingent upon Chief Financial Officer furnishing one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

This item was heard at the Environment Committee meeting on September 15, 2016.

ACTION: Motion by Councilmember Cate, second by Councilmember Sherman, to recommend Council introduce the ordinance.

VOTE: 3-0; Alvarez-yea, Cate-yea, Sherman-yea, Gloria-not present.

Amen/Gomez

Primary Contact\Phone: Surraya Rashid\858-654-4112, MS901

Secondary Contact\Phone: Sean Paver \858-292-6410, MS901

City Attorney Contact: Leone, Christine M.

ADOPTION AGENDA, CONSENT ITEMS
ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING
WITH THE READING AND ADOPTION:

- * ITEM-53: Successor Agency to the Redevelopment Agency of the City of San Diego, Tax Allocation Refunding Bonds, Series 2017A (Tax Exempt) and 2017B (Taxable). (Citywide.)

ITEM DESCRIPTION:

This item is to authorize the issuance of the Successor Agency to the Redevelopment Agency of the City of San Diego Tax Allocation Refunding Bonds, Series 2017A (Tax Exempt) and Series 2017B (Taxable) (the "Series 2017 Bonds"), and the related financing documents, to refund for economic savings, various outstanding bonds of the former Redevelopment Agency (as identified in the Staff Report). Also, this item will authorize the City Attorney to retain Stradling, Yocca, Carlson & Rauth PC as Bond and Disclosure Counsel and the Chief Financial Officer to establish special interest bearing account(s) for the proceeds of the Series 2017 Bonds.

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 9/19/2016, Item 200. (Council voted 9-0):

(O-2017-33)

Declaring that the Council of the City of San Diego, acting in its capacity as the governing board of the Successor Agency to the Redevelopment Agency of the City of San Diego, (i) authorizing the issuance and sale of Tax Allocation Refunding Bonds, (ii) approving the Form of a First Supplemental Indenture of Trust, Bond Purchase Agreement and related documents, and (iii) authorizing certain related actions.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- * ITEM-100: First Amendment to the Agreement between the City of San Diego and SoftwareONE, Inc. (formerly CompuCom Systems, Inc.) for Microsoft Enterprise Licenses.

ITEM DESCRIPTION:

This action is to authorize execution of the First Amendment to the Agreement between the City and SoftwareONE, Inc. (formerly CompuCom, Inc.) for Microsoft Enterprise Licenses to increase expenditure authority by \$2,797,229 for a total amount not-to-exceed from \$8,867,594 to \$11,664,823. The Microsoft Enterprise Licensing has been approved in the Fiscal Year 2017 budget.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2017-106)

Authorizing the Mayor, or his designee, for and on behalf of the City, to execute the First Amendment between the City of San Diego and SoftwareONE, Inc., for Microsoft enterprise licensing, under the terms and conditions as set forth in the First Amendment to the Agreement;

Authorizing the Chief Financial Officer to expend an additional \$2,797,229, for a total not to exceed amount of \$11,664,823, solely and exclusively to provide funds for the contract term, contingent upon the passage of the Appropriations Ordinance for the applicable fiscal years and contingent upon the Chief Financial Officer furnishing one or more certificates certifying that funds necessary for expenditures are, or will be, on deposit with the City Treasurer.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

Citywide Contract expenditures in an amount not to exceed \$11,664,823, to the Contract term, ending in October 31, 2017. Microsoft Licensing expenses for Fiscal Year 2017, will be paid from citywide IT Fixed Costs. The Microsoft Enterprise Licensing is estimated to cost approximately \$2,542,935 over the current contract authorized amount and is included in the FY17 IT Fixed Costs budget. There is also a need for expenditure authorization for a 10% contingency due to unforeseen operational needs. The estimated contingency is valued at approximately \$254,294 and will only be used as needed and as funding is identified. This totals the requested not to exceed amount of \$2,797,229.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTIONS:

This item was approved and resolution R-307830, of the Council of the City of San Diego authorizing the Mayor, or his designee, to expend up to \$8,867,594 for the purchase of Microsoft Enterprise Agreement Licenses for the City through October 31, 2017, for the Contract with CompuCom Systems was approved November 13, 2012.

This item was heard at the Budget and Government Efficiency Committee meeting on September 14, 2016.

ACTION: Motion by Councilmember Cate, second by Councilmember Cole, to recommend Council adopt the resolution.

VOTE: 4-0; Gloria-yea, Sherman-yea, Cole-yea, Cate-yea.

Behnke/Villa

Primary Contact\Phone: Jonathan Behnke\619-533-3637
Secondary Contact\Phone: Shawn Killpack\619-533-3059
City Attorney Contact: Lastomirsky, Steven R.

- * ITEM-101: Establishment of CIP Project Funding for Miramar Landfill Facility Improvements and Related Actions.

ITEM DESCRIPTION:

This action is to establish a CIP Project that will allow for the most efficient execution of future facility improvement CIP projects at the West Miramar Landfill.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2017-107 Cor. Copy)

Authorizing the Chief Financial Officer to add CIP L-17000, Miramar Landfill Facility Improvements, to the Capital Improvement Program;

Authorizing the Chief Financial Officer to increase the Capital Improvement Program Budget in CIP L-17000, Miramar Landfill Facility Improvements, and to appropriate and expend \$10,000,000 from Fund 700040, Refuse Disposal CIP Fund, for the purpose of constructing necessary infrastructure improvements to the West Miramar Landfill;

Authorizing the Chief Financial Officer to transfer appropriations of \$9,600,000 from CIP S-16056, Miramar Public Tipping/Resource Recovery Ctr, to CIP L-17000, Miramar Landfill Facility Improvements, within Fund 700040, Refuse Disposal CIP Fund, and to appropriate and expend \$9,600,000 from Fund 700040, Refuse Disposal CIP Fund, for the purpose of constructing necessary infrastructure improvements to the West Miramar Landfill;

Authorizing the Chief Financial Officer to appropriate and expend an amount not to exceed \$19,600,000 from CIP L-17000, Miramar Landfill Facility Improvements, Fund 700040, Refuse Disposal CIP Fund, for the purpose of constructing necessary infrastructure improvements to the West Miramar Landfill, contingent upon the adoption of the Annual Appropriations Ordinance for the applicable fiscal year and upon the Chief Financial Officer furnishing one or more certificates certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the Chief Financial Officer to close CIP S-16056, Miramar Public Tipping/Resource Recovery Ctr.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

This action will authorize the total Project cost of \$19,600,000 of which \$500,000 is for permitting, \$600,000 is for engineering, \$18,000,000 is for construction, and \$500,000 is for contingencies. Funds for the action are available in Fund 700040, Refuse Disposal CIP Fund and the transfer of funds from S-16056 and closure of the Project.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

This item was heard at the Environment Committee meeting on September 15, 2016.

ACTION: Motion by Councilmember Cate, second by Councilmember Sherman, to recommend Council adopt the resolution.

VOTE: 3-0; Alvarez-yea, Cate-yea, Sherman-yea, Gloria-not present.

Sierra/Gomez

Primary Contact\Phone: Samuel Alatorre\858-492-5037
Secondary Contact\Phone: Craig Fergusson\858-627-3311
City Attorney Contact: Guy, Amanda L.

* ITEM-102: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2016-767)

Declaring a continued state of emergency to persist relative to the escalated discharge of raw sewage from Tijuana, Mexico, pursuant to California Government Code Section 8630;

Authorizing the Mayor, or his designee, to execute all necessary contracts for the diversion, treatment, and disposal of international raw sewage;

Declaring that the measures previously taken in accordance with Resolution Number R-282544 shall continue to have full force and effect.

PROCLAMATIONS/CEREMONIAL ITEMS

NOTE: The following Proclamations will be presented in Council Chambers and approved by Unanimous Consent unless pulled for discussion.

ITEM-30: San Diego Enforcers Day.

PRESENTED BY MAYOR FAULCONER AND COUNCIL PRESIDENT PRO TEM EMERALD:

Proclaiming October 4, 2016, to be "San Diego Enforcers Day" in the City of San Diego.

ITEM-31: Dorothy Jane Perez Day.

PRESENTED BY COUNCILMEMBER SHERMAN:

Proclaiming October 4, 2016, to be "Dorothy Jane Perez Day" in the City Of San Diego.

ITEM-32: Logan Heights Veterans Day.

PRESENTED BY COUNCILMEMBER ALVAREZ:

Proclaiming October 4, 2016, to be "Logan Heights Veterans Day" in the City of San Diego.

NOTE: The following Proclamations will NOT be presented in Council Chambers. They will be approved by Unanimous Consent unless pulled for discussion

ITEM-33: Rear Admiral Eric Coy Young Day.

MAYOR FAULCONER'S RECOMMENDATION:

Proclaiming September 30, 2016, to be "Rear Admiral Eric Coy Young Day" in the City of San Diego.

ITEM-34: Chauntheng Cha Young Day.

MAYOR FAULCONER'S RECOMMENDATION:

Proclaiming September 30, 2016, to be "Chauntheng Cha Young Day" in the City of San Diego.

ITEM-35: Dick Enberg Day.

MAYOR FAULCONER AND COUNCIL PRESIDENT LIGHTNER'S RECOMMENDATION:

Proclaiming September 29, 2016, to be "Dick Enberg Day" in the City of San Diego.

ITEM-36: Manjeet Ranu Day.

COUNCIL PRESIDENT LIGHTNER'S RECOMMENDATION:

Proclaiming September 22, 2016, to be "Manjeet Ranu Day" in the City of San Diego.

ITEM-37: Hotel Churchill Day.

COUNCILMEMBER GLORIA'S RECOMMENDATION:

Proclaiming September 19, 2016, to be "Hotel Churchill Day" in the City of San Diego.

SPECIAL ORDERS OF BUSINESS

None.

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 Section 22.0101, Rule 2.6.2, of the San Diego Municipal Code, comments are limited to two 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. Non-Agenda Public Comment is limited to 30 minutes during the Tuesday morning Council session. Any remaining speakers will be given an opportunity to speak after Council concludes the remaining agenda items for that day. Speaker order will generally be decided on a first-come, first-served basis. However, in the event that there are more than 15 Non-Agenda Public Comment speakers on a particular Tuesday, 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.

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

UPDATES ON PENDING LEGISLATION (MAYOR'S OFFICE)

REQUESTS FOR CONTINUANCE

The Council will consider requests for continuance in the morning or afternoon, based on when the item was noticed to be heard.

ADOPTION AGENDA, DISCUSSION, HEARINGS

NOTICED HEARINGS:

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

ITEM-330: Proposed Amendments to Chapter 6, Article 6, Divisions 1 and 7, of the San Diego Municipal Code Relating to the Recyclable Material Franchise Exclusion; and Revisions to AB 939 Fee Collection.

ITEM DESCRIPTION:

Amendments to Chapter 6, Article 6, Divisions 1 and 7, of the San Diego Municipal Code Relating to the Recyclable Material Franchise Exclusion for Solid Waste Collection Franchises; and Revisions to the Manner of AB 939 Fee Collection.

STAFF'S RECOMMENDATION:

Introduce the ordinance in Subitem A; and adopt the resolution in Subitem B:

Subitem-A: (O-2017-37)

Introduction of an Ordinance of the Council of the City of San Diego amending Chapter 6, Article 6, Division 1, of the San Diego Municipal Code by amending Sections 66.0102, 66.0109, and 66.0119, and amending Chapter 6, Article 6, Division 7 by amending Sections 66.0703, 66.0714, and 66.0716, all relating to the Recyclable Material Franchise Exclusion for solid waste collection franchises.

Subitem-B: (R-2017-108)

Declaring that the City's AB 939 Recycling Fee is modified to apply to all solid waste generated in the City, effective July 1, 2017, to replace the AB 939 Recycling Fee currently applied on all solid waste generated in the City that is disposed, regardless of the location of the disposal site. As authorized by Resolution R-307834, dated November 19, 2012, the AB 939 Recycling Fee applied to all solid waste disposed of at the Miramar Landfill shall remain in effect;

Approving an automatic, annual rate adjustment to the modified AB 939 Recycling Fees, to be calculated based on the annual change in the Consumer Price Index (CPI) rounded up to the nearest \$1.00, pursuant to the formula set forth in Report to the City Council No. 16-024, and to be applied each July 1, effective beginning July 1, 2018. As authorized by Resolution R-307834, dated November 19, 2012, the automatic, annual CPI rate adjustment for the AB 939 Recycling Fees applied to all solid waste disposed of at the Miramar Landfill shall remain in effect.

STAFF SUPPORTING INFORMATION:**FISCAL CONSIDERATIONS:**

The proposed changes regarding Franchise exemptions and the manner by which the AB 939 Fee is charged to Franchise haulers could increase revenues to the Recycling Enterprise Fund by an estimated \$1.3 million annually and to the General Fund by an estimated \$1.7 million annually for an estimated total of \$3.0 million annually. These changes will provide a financing mechanism for the City's Zero Waste Plan. Environmental Services Department (ESD) anticipates that the addition of proposed San Diego Municipal Code (SDMC) Section 66.0109(c)(4), which responds to the March 17, 2016, Environment Committee motion, will reduce anticipated revenues. The actual reduction will depend upon the number of recyclable materials collectors that qualify for the exclusion, and the tonnage they actually haul under the exclusion. ESD estimates that the revenue to the Recycling Enterprise Fund could be reduced by \$110,000 to \$220,000, and to the General Fund by \$160,000 to \$320,000 annually, for an estimated total reduction between \$270,000 and \$540,000 annually.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

At the March 17, 2016, meeting of the Environment Committee, ESD presented a draft ordinance to implement the changes to SDMC Section 66.0109(c), and resolution to revise how the AB 939 Fee is charged to the Franchise haulers and that applies an automatic annual CPI increase to the AB 939 Fee. The approved motion was to recommend Council adopt the resolution and introduce the ordinance with the direction for staff to include an additional franchise exclusion in the proposed revisions for recyclable materials collectors meeting certain conditions such as a tonnage cap and a diversion rate requirement. Since the March 17, 2016, Committee meeting, ESD made changes to the draft ordinance, consistent with the Committee motion, in order to add a franchise exclusion for recyclable materials collectors.

ACTION: Motion by Vice Chair Sherman, second by Chair Alvarez, to recommend Council adopt the resolution and introduce the ordinance with the direction for staff to include an additional franchise exclusion in the proposed revisions for recyclable materials collectors meeting certain conditions such as a tonnage cap and a diversion rate requirement.

VOTE: 4-0; Alvarez-yea, Cate-yea, Sherman-yea, Gloria-yea.

Sierra/Gomez

Primary Contact\Phone: Angela Colton\858-573-1287

Secondary Contact\Phone: Ken Prue\858-492-5085

City Attorney Contact: Guy, Amanda L.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

This item may be taken in the morning session if time permits.

ITEM-331: City Auditor's Performance Audit of the San Diego Housing Commission-Affordable Housing Fund. (Citywide.)

CITY AUDITOR'S RECOMMENDATION:

Receive the City Auditor's Performance Audit of the San Diego Housing Commission - Affordable Housing Fund.

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS: N/A

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

The report was presented at the Audit Committee meeting on July 27, 2016.

ACTION: Motion by Committee Member Hebrank, second by Councilmember Zapf, to accept the report and forward to Council.

VOTE: 4-0; Yea: Sherman-yea, Zapf-yea, Hebrank-yea, Valdivia-yea, Spencer-not present.

No changes have been made to the report since it was presented to the Committee.

Luna

Primary Contact\Phone: Chris Kime\619-533-3030

Secondary Contact\Phone: Kyle Elser\619-533-3007

**ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS
ORDINANCES TO BE INTRODUCED:**

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

ITEM-332: San Diego Municipal Code Section 98.0301 and 98.0302 Amendments Related to the San Diego Housing Commission and Relocation Appeals Board. (Citywide.)

ITEM DESCRIPTION:

That the San Diego City Council approve proposed amendments to San Diego Municipal Code Chapter 9, Article 8, Division 3, related to the San Diego Housing Commission and Relocation Appeals Board.

SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:

Introduce the following ordinance:

(O-2017-44)

Introduction of an Ordinance amending Chapter 9, Article 8, Division 3, of the San Diego Municipal Code by retitling Division 3, and by amending Sections 98.0301 and 98.0302, all relating to Housing and the San Diego Housing Commission and the Relocation Appeals Board.

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

This action does not have any fiscal impact.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

On December 5, 1978, the San Diego City Council adopted Ordinance No. O-12515 to create the San Diego Housing Commission.

On September 30, 1985, the San Diego City Council adopted Ordinance Number O-16511 amending the San Diego Municipal Code Chapter 9, Article 8, to include three Division titles: Division 1, Housing Code, Division 2, Mobile Home Parks and Special Occupancy Parks, and Division 3, San Diego Housing Commission.

On April 25, 1994, the San Diego City Council adopted Ordinance No. O-18062 amending the San Diego Municipal Code Chapter 9, Article 8, Division 3, Section 98.0301 to add language to the Section 98.301(a) to include definitions and add administrative functions.

On December 10, 2014, the San Diego City Council adopted Ordinance No. O-20331 amending San Diego Municipal Code Chapter 9, Article 8, Division 3, Section 98.0301(f) to include an alternative method to appoint Housing Commission members if the Mayor does not take action to fill appointments within 45 days of a vacancy.

This item was heard at the July 27, 2016, Smart Growth and Land Use Committee meeting and forwarded to the full Council. At the request of Councilmember Sherman, Debbie Ruane, Executive Vice President and Charles B. Christensen, Housing Commission General Counsel, met with the Councilmember and his staff to provide additional information regarding the proposed amendments. Councilmember Sherman requested staff include an advance notice requirement for the following matters to be heard by the Housing Commission Board: Any proposed acquisition, sale, or lease of real property for a term in excess of five years; and Approval of any development project, rehabilitation loan commitment, or contract for the acquisition of goods or services, involving the expenditure of more than \$1,000,000. The language drafted by the City Attorney's Office would now require that the Housing Commission provide seven (7) day advance notice of any of the matters referenced above before they are heard by the Housing Commission Board. The notice would be to the Housing Authority.

ACTION: Motion by Councilmember Gloria, second by Councilmember Sherman, to forward the item to Council without recommendation.

VOTE: 4-0; Zapf-yea, Gloria-yea, Sherman-yea, Alvarez-yea.

Davis/Graham

Primary Contact\Phone: Jeff Davis\619-578-7550

City Attorney Contact: Vonblum, Heidi K.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

RESOLUTIONS:

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

ITEM-333: Proposed Response to Grand Jury Report “San Diego’s Bikesharing Program Needs Help”. (Citywide.)

ITEM DESCRIPTION:

1. Approve and adopt the proposed response to the 2015/2016 San Diego County Grand Jury Report entitled “San Diego’s Bikesharing Program Needs Help” (which was filed May 19, 2016) as prepared by the Independent Budget Analyst (IBA).
2. Authorize and direct the City Council President, on behalf of the City Council, to execute and deliver the response to the Presiding Judge of the Superior Court by October 28, 2016.

INDEPENDENT BUDGET ANALYST'S RECOMMENDATION:

Adopt the following resolution:

(R-2017-84)

Approving and adopting as its own the response to the 2015-2016 San Diego County Grand Jury Report titled “San Diego’s Bikesharing Program Needs Help” as set forth in IBA Report No. 16-18 REV, dated August 18, 2015;

Authorizing and directing the Council President, on behalf of the San Diego City Council, to execute and deliver the above-described response to the Presiding Judge of the San Diego County Superior Court no later than October 28, 2016.

NOTE: This item is not subject to the Mayor’s veto.

SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS: N/A

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

The Independent Budget Analyst's (IBA's) Office worked collaboratively with City staff and the Mayor's Office to develop a proposed joint Council/Mayoral response to the Grand Jury Report.

On July 27, 2016, the Smart Growth and Land Use Committee recommended approval of the proposed response (with minor wording changes suggested by the IBA's Office) to the full City Council - see IBA Report 16-18 REV, Attachment 1.

ACTION: Motion by Councilmember Gloria to recommend approval of the proposed response to the Grand Jury Report with Amendments as follows:

1. Change the last sentence in the response to Finding 01 as follows: A desired outcome of the Bikesharing Program is "to reduce the distance needed to travel bridge the "one mile" gap between transit stops and destinations."

2. Change the third sentence in the response to Recommendation 16-02 as follows: Information on the planned sites ~~is anticipated to be~~ was discussed at the July 27, 2016, Smart Growth and Land Use Committee meeting, at which there ~~will be~~ was opportunity for the public to provide comments.

VOTE: 4-0; Zapf-yea, Gloria-yea, Sherman-yea, Alvarez-yea.

Kawar

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Secondary Contact\Phone: Jeff Kawar\619-533-4764

City Attorney Contact: Dugard, Prescilla

ADOPTION AGENDA, DISCUSSION, HEARINGS

NOTICED HEARINGS:

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

ITEM-334: Appeal of the Environmental Determination for Chollas Water Operations Facility Improvements, Project No. 397640. (Eastern Area of the Mid-City Communities Plan Areas. District 4.)

ITEM DESCRIPTION:

The item is an appeal filed by the Eastern Area Communities Planning Committee (EACPC) on July 13, 2016, of the environmental determination, a Negative Declaration (ND, which was made by the Mayor-appointed designee for the Chollas Water Operations Facility (WOF) Improvements project (Project No. 397640).

TODAY'S ACTIONS ARE:

Take the following actions:

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

- (1) By a majority vote, deny the appeal, and adopt the environmental determination, or
- (2) By a majority vote, grant the appeal and set aside the environmental determination, in accordance with San Diego Municipal Code Section 112.0520(e);

Directing the City Attorney to prepare the appropriate resolutions according to Section 40 of the City Charter;

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

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

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS: None

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: None

Vacchi\Graham\an

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City Attorney Contact: Mercer, Mark

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT