

**AGENDA FOR THE
SPECIAL COUNCIL MEETING OF
MONDAY, AUGUST 18, 2014, AT 11:00 AM
CITY ADMINISTRATION BUILDING
COUNCIL CHAMBERS – 12TH FLOOR
202 “C” STREET
SAN DIEGO, CA 92101**

ADDITIONAL TELECONFERENCE LOCATIONS*

MONDAY, AUGUST 18, 2014, 2:00 PM (EST) GEORGIA
DULUTH CITY HALL
Executive Conference Room located at
3167 MAIN STREET
DULUTH, GEORGIA 30096

*NOTE: Councilmember Myrtle Cole will participate in the meeting by teleconference from Duluth, Georgia.

MONDAY, AUGUST 18, 2014, 1:00 PM (CT) OHIO
CARRIAGE COURT ASSISTED LIVING COMMUNITY
Room location will be posted on the front door.
800 BECKS KNOB RD.
LANCASTER, OHIO 43130

*NOTE: Councilmember Mark Kersey will participate in the meeting by teleconference from Lancaster, Ohio.

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, ranging from five business days to two weeks. 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.

ROLL CALL

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

- * ITEM-600: Authorize payment of Stipulated Administrative Civil Penalty to implement the settlement with the San Diego Regional Water Quality Control Board regarding Notice of Violation R9-2010-0135.

ITEM DESCRIPTION:

Requesting authorization of payments in the amount of \$492,734, for stipulated administrative civil liability penalties, in order to implement the Settlement Agreement with the San Diego Regional Water Quality Control Board (Regional Board) regarding Notice of Violation R9-2010-0135.

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2015-74)

Authorizing the Mayor, or his designee, to pay the sum of \$492,734 to settle all the claimed violations relating to Notice of Violation (NOV) No. R9-2010-0135;

Authorizing the Chief Financial Officer to appropriate and expend \$492,734 to satisfy the stipulated administrative civil liability penalty, with \$246,367 of that amount to be appropriated from the Development Services Department, Planning and Development Enterprise Fund 700036, and the remaining \$246,367 to be appropriated from the General Fund 100000, contingent upon the Chief Financial Officer first furnishing one or more certificates that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the City Comptroller to issue a check in the amount of \$492,734 payable to the State Water Board Cleanup and Abatement Account within 30 days from the date the Regional Board issues an Order approving the Settlement Agreement. The City Comptroller shall indicate "Order R9-2014-0017" on the check and shall send to State Water Resources Control Board, Accounting Office, Attn: ACL Payment, P.O. Box 1888, Sacramento, CA 95812-1888, with a copy sent to Ms. Chiara Clemente, San Diego Regional Water Quality Control Board, 2375 Northside Drive, Suite 100, San Diego, CA 92108.

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STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

Approval of this action will result in an expenditure of \$492,734, half of which (\$246,367) will be paid by the Development Services Department Revenue Enterprise Fund - 700036, and the other half (\$246,367) from the FY 2015 General Fund - 100000, Citywide Program Expenditures - 9912.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

On May 12, 2014, the City Council in Closed Session, approved acceptance of the Regional Board's settlement offer related to Notice of Violation No. R9-2010-0135.

Yousef/Heinrichs

Primary Contact\Phone: Sumer Hasenin\858-541-4330, ext. 1900

Secondary Contact\Phone: Drew Kleis\858-541-4330, ext. 1900

City Attorney Contact: Guy, Amanda L.

- * ITEM-601: Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City.

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2014-726)

Declaring a continued state of emergency due to severe shortage of affordable housing in the City of San Diego, pursuant to California Government Code Section 8630;

Declaring that the measures previously taken by the City Council in Resolution Number R-296982 shall continue to have full force and effect.

- * ITEM-602: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2015-38)

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.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

ITEM-603: In the Matter of Overriding the Mayor's Veto of O-2015-11 REV, an Ordinance amending Chapter 3, of the San Diego Municipal Code by adding Article 9, Division 1, Sections 39.0101 through 39.0115, relating to the earned sick leave and minimum wage to be provided to employees working in the City of San Diego.

(See Veto Message from Mayor Faulconer dated August 8, 2014.)

Pursuant to San Diego Charter Section 285, the Council shall reconsider Ordinance-2015-11 Rev., passed by the City Council with 6 to 3 votes on July 28, 2014, Item 200, which was vetoed by the Mayor on August 8, 2014. If after such reconsideration, at least six members of the Council vote in favor of passage, the ordinance shall become effective notwithstanding the Mayor's veto.)

ADJOURNMENT