

# CITY OF SAN DIEGO COUNCIL DOCKET



## COUNCIL PRESIDENT

**Sherri 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, 12<sup>th</sup> Floor, City Administration Building**

**Monday, July 13, 2015**

**AGENDA FOR THE  
REGULAR COUNCIL MEETING OF  
MONDAY, JULY 13, 2015, AT 2:00 PM  
CITY ADMINISTRATION BUILDING  
COUNCIL CHAMBERS – 12<sup>TH</sup> FLOOR  
202 “C” STREET  
SAN DIEGO, CA 92101**

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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.

**ROLL CALL**

**INVOCATION**

**PLEDGE OF ALLEGIANCE**

**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 based on when the item was noticed to be heard.

ADOPTION AGENDA, DISCUSSION, COMMITTEE ITEMS

COMMITTEE ON ECONOMIC DEVELOPMENT AND INTERGOVERNMENTAL RELATIONS, RESOLUTIONS:

ITEM-150: Approve the San Diego - Panama City Sister City Application. (Citywide.)

**ITEM DESCRIPTION:**

The City of San Diego and Panama City are finalizing the official creation of a business and cultural relationship through the San Diego Sister City Association.

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2016-9 Cor. Copy) (Rev. 7/13/15)

Declaring by the Council of the City of San Diego, for and on behalf of the people of the City of San Diego, does hereby express its desire to establish a Sister City relationship with Panama City, Panama, and accepts the mutual desire of Panama City Mayor Jose Blandon to seek Sister City partnership affiliation together;

Declaring that Council Policy 000-18, which expresses a policy that foreign cities have only one U.S. Sister City relationship, is hereby waived by the Council so that it may adopt this resolution. (Rev. 7/13/15)

**SUPPORTING INFORMATION:**

FISCAL CONSIDERATIONS: N/A

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

This item was heard at the Economic Development and Intergovernmental Relations Committee meeting on June 25, 2015.

**ACTION:** Motion by Councilmember Cate, second by Council President Lightner, to recommend Council adopt the resolution to approve the Sister City Application to create a San Diego Sister City relationship with Panama City, Panama and to waive Council Policy 000-18.

**VOTE:** 3-0; Kersey-yea, Lightner-yea, Cate-yea, Cole-not present.

Pepin

Primary Contact\Phone: Don Giaquinto\619-236-6902, MS 11A  
City Attorney Contact: Spivak, Sharon B.

ADOPTION AGENDA, DISCUSSION, COMMITTEE ITEMS  
COMMITTEE ON ENVIRONMENT, RESOLUTIONS:

ITEM-151: Zero Waste Plan for the City of San Diego.

**ITEM DESCRIPTION:**

The Zero Waste Plan is a framework of potential sustainable diversion strategies for future action that would be implemented in incremental steps to achieve 75% diversion by 2020, 90% diversion by 2035 goal currently proposed in the City's Climate Action Plan, and Zero Waste by 2040.

**TODAY'S ACTION IS:**

Adopt the following resolutions:

Subitem-A: (R-2015-780)

Adopting the draft Zero Waste Plan for the City of San Diego, dated June 2015.

Subitem-B: (R-2015-781)

Declaring that the Project is statutorily exempt from California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15262.

**SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

A challenge the City faces is that funding of the City's discards management system in the City requires revenue streams that are primarily received when materials are disposed in the landfill, and so as diversion increases, revenues decrease. From FY 1998 through FY 2014, tonnages disposed in the Miramar Landfill declined from 1,336,000 tons to 864,000 tons, representing a significant decrease in revenues. This is further complicated because the Miramar Landfill is operating in a private market place and has lost tonnage to a local private landfill operator. These issues not only create an inherent financial challenge in maintaining the current programs, but also require a combination of cost reductions through increased efficiencies and new funding sources to implement additional diversion strategies.

Please see the attached Report to the City Council No. 15-063 for more information.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

- The Zero Waste Objective was presented at the Natural Resources and Culture Committee meeting on November 6, 2013, and was forwarded and adopted by City Council on December 16, 2013.
- The subject item was heard at the Environment Committee meeting on June 17, 2015.

ACTION: Motion by Councilmember Cate, second by Councilmember Alvarez, and forwarded to full City Council with the recommendation to adopt the draft Zero Waste Plan with the following Amendments:

1. Replace the current last sentence of Potential Diversion Strategy No. 16 with the following: "In addition, staff is currently researching to determine the benefits and identify any possible concerns if polystyrene foodservice containers are added. Staff anticipates completing the research within six months."
2. Include estimated timeframes, if available, for each enumerated strategy.
3. Request that the City Attorney's Office provide an answer to the effect that the five year notice under Public Resources Code Section 49520 would have upon the seven year term of the Franchise Agreements, and to work with ESD staff to determine whether and how to amend the current City Agreements with IMS Recycling Services and Allan Company to add polystyrene foodservice containers to the curbside recycling program.
4. Request the City Attorney provide an answer to the first question before the Council considers the next Franchise Agreements Amendments.

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

Sierra\LoMedico

Primary Contact\Phone: Mario Sierra\858-573-1212, MS 1102A  
Secondary Contact\Phone: Ken Prue\858-492-5085, MS 1103B  
City Attorney Contact: Guy, Amanda L.

ITEM-152: Environmental Services Department's Enterprise Funds 5-Year Financial Outlook and Proposed Fee Adjustment.

**ITEM DESCRIPTION:**

This item is to present Environment Services Department (ESD's) Solid Waste System enterprise funds financial outlook and approve the elimination of the current \$5 per ton disposal rate discount to City Forces over three years, beginning in Fiscal Year (FY) 2016.

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2015-779)

Accepting Environmental Services Department's (ESD's) Five-Year Financial Outlook for its enterprise funds for Fiscal Years 2016 through 2020.

Approving a fee adjustment to disestablish the \$5.00 per ton discount to the "Government" Tipping Fee for waste delivered to the Miramar Landfill by City Forces, effective retroactive to July 1, 2015, and to occur over a period of three years as described in ESD's Report to the City Council No. 15-067.

**SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

For fiscal considerations see attached report.

**PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:**

- Report Presented to the Natural Resources and Culture Committee on March 26, 2009, Item 5b, Resolution No. R-304851.
- Report Presented to the Natural Resources and Culture Committee on September 10, 2012, 12-104, Resolution Nos. R-307833, R-307834.
- This item was heard at the Environment Committee meeting on June 17, 2015.

**ACTION:** Motion by Councilmember Cate, second by Councilmember Alvarez, to recommend the full Council adopt the resolution.

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

Greenhalgh/LoMedico

Primary Contact\Phone: Mario Sierra\858-573-1212, MS 1102A

Secondary Contact\Phone: Samuel Alatorre\858-492-5037, MS 1102A

City Attorney Contact: Guy, Amanda L.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

**This was previously Item 331 from Tuesday's Docket, July 14, 2015.**

ITEM-200: Facilities Condition Assessment Update.

**ITEM DESCRIPTION:**

This item provides a status update of the three Facilities Condition Assessment Agreements approved in December 2013, and the findings for the 274 City-Occupied (Non-Leased) General Fund facilities that were assessed in FY14. In order to assist with establishing a City-Approved Service Level standard for City-Occupied (Non-Leased) General Fund Facilities, a proposed Service Level Option is provided to illustrate the affect of funding level on condition and reliability.

**STAFF'S RECOMMENDATION:**

Informational item only.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

The proposed Service Level requires approximately \$227M (\$177M for the backlog and \$50M for future capital renewal) through 2020 for the 274 City-Occupied (Non-Leased) General Fund Facilities assessed in FY14. As future assessments are completed, projected funding requirements will be revised. The \$177M backlog was included FY16 to FY20 Consolidated Multiyear CIP as unfunded needs.

**PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:**

- December 9, 2013: City Council - Approval of three FCA Contracts (Resolution R-308581).
- December 18, 2014: CIPRAC Committee - FY14 General Fund Facility Presentation.
- January 21, 2015: Infrastructure Committee - FY16-FY20 Consolidated Multi-Year Capital Planning Report included \$177M (proposed Service Level for General Fund Facility needs).
- This item was heard at the Infrastructure Committee meeting on June 3, 2015.

**ACTION:** Motion by Vice-Chair Cole, second by Councilmember Emerald, to forward staff's recommendation to City Council.

**VOTE:** 4-0; Kersey-yea, Cole-yea, Zapf-yea, Emerald-yea.

Nagelvoort/LoMedico

Primary Contact\Phone: James Nagelvoort\619-533-5100, MS 9A

Secondary Contact\Phone: Leigh Ann Sutton\619-533-3427, MS 612 (Rev. 7/9/15)

**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 Comment is taken toward the end of the Monday afternoon Council session.

**CLOSED SESSION NOTICES, DISCLOSURE, AND PUBLIC COMMENT**

In accordance with the San Diego City Council Permanent Rule for Noticing and Conduct of Closed Session Meeting, adopted on February 28, 2005, this portion of the agenda is reserved for City Attorney comment, public comment, and City Council discussion of the content of the Closed Session Agenda. Public testimony on Closed Session items is taken in Open Session on Mondays, except when there is no Monday meeting. Public testimony on Closed Session items is always taken prior to the actual Closed Session. Closed Session may take place any time after public testimony, but is typically held on Tuesdays at 9:00 a.m. The Closed Session Agenda is separately available in the Office of the City Clerk and also posted at the same locations as the Open Session Agenda, including the City internet address.

**NOTE:** Members of the public wishing to address the City Council on any item on the Closed Session Agenda should reference the Closed Session item number from the Closed Session Docket on the speaker slip. Speakers may speak "in favor" or "in opposition" to the subject.

**Information Item - No Action Required - The City Council shall:**

- 1) Consider any oral report from the City Attorney or City negotiators;
- 2) Accept testimony from any member of the public wishing to address the City Council on any item appearing on the Closed Session Agenda;
- 3) Allow for questions and discussion by Council Members, limited to the facts as disclosed by the City Attorney or City negotiators and the basis or justification for consideration of the matter in Closed Session;
- 4) Refer matters discussed to Closed Session.

**NON-DOCKET ITEMS**

**ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES**

**ADJOURNMENT**