

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR SPECIAL COUNCIL MEETING OF
TUESDAY, DECEMBER 18, 2007, AT 8:00 A.M.
CITY ADMINISTRATION BUILDING
COMMITTEE ROOM- 12TH FLOOR
202 "C" STREET
SAN DIEGO, CA 92101

CHRONOLOGY OF THE MEETING:

The special meeting was called to order by Council President Peters at 9:03 a.m. The special meeting was adjourned by Council President Peters at 9:20 a.m.

ATTENDANCE DURING THE MEETING:

- (1) Council Member Peters-present
 - (2) Council Member Faulconer-present
 - (3) Council Member Atkins-present
 - (4) Council Member Young-present
 - (5) Council Member Maienschein-present
 - (6) Council Member Frye-present
 - (7) Council Member Madaffer-present
 - (8) Council Member Hueso-present
- Clerk-Maland (dlc)

FILE LOCATION: MINUTES

ITEM-700: ROLL CALL

Clerk Maland called the roll:

- (1) Council Member Peters-present
- (2) Council Member Faulconer-present
- (3) Council Member Atkins-present
- (4) Council Member Young-not present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Hueso-present

ITEM-701: Reconsideration of Effective Date of the City's Construction and Demolition Surcharge contained in the revised Fee Schedule and Regulations for the Miramar Landfill approved by the City Council on November 20, 2007.

COUNCILMEMBER FRYE'S RECOMMENDATION:

Take the following actions:

Subitem-A: WAIVED

Waiving the Permanent Rules of the City Council, Section 22.0101.5 of the San Diego Municipal Code.

NOTE: 6 votes required.

Subitem-B: RECONSIDERED

Motion to reconsider the effective date of the Construction and Demolition surcharge contained in the revised Fee Schedule and Regulations for the Miramar Landfill approved by the City Council on November 20, 2007.

SUPPORTING INFORMATION:

On November 20, 2007, Council adopted Resolution No. R-303201 which approved the revised Fee Schedule and Regulations for the Miramar Landfill. That action included approval of a surcharge on C&D material delivered to the Miramar Landfill for disposal effective January 1, 2008. This action, if approved, would allow Council to reconsider the effective date of the C&D surcharge. The C&D surcharge for flat rate loads is determined by multiplying the applicable standard disposal fee for general refuse by 1.5. The C&D surcharge for weighed loads (fee based on actual weight) is determined by multiplying the applicable standard disposal fee for general refuse for weighed loads by 2.75. The C&D surcharge will be imposed on all loads which include 20% or more of C&D material delivered to the Miramar Landfill for disposal. The current effective date of this surcharge is January 1, 2008.

NOTE: If the matter is to be reconsidered, time has been reserved for the item to be heard on today's agenda.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 9:04 a.m. – 9:04 a.m.)

MOTION BY HUESO TO WAIVE THE PERMANENT RULES IN SUBITEM A AND RECONSIDER THE FEE SCHEDULE AND REGULATIONS IN SUBITEM B.
Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-not present, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

- * ITEM-702: State of Local Emergency Declaration Regarding the Landslide on Mount Soledad.

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2008-362) ADOPTED AS RESOLUTION R- 303280

Declaring a continued state of emergency to persist relative to the landslide on Mount Soledad, pursuant to California Government Code Section 8630;

Declaring that the measures previously authorized by the City Council in Resolution No. R-303041 shall continue to have full force and effect.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 9:05 a.m. – 9:05 a.m.)

CONSENT MOTION BY FAULCONER TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-not present, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

- * ITEM-703: Declaring a Continued State of Emergency Regarding the Wildfires.

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2008-491) ADOPTED AS RESOLUTION R- 303281

Declaring a continued state of emergency to exist in the City of San Diego due to the wildfires which began on October 21, 2007, pursuant to California Government Code Section 8630;

Declaring that the measures previously taken by the City Council in Resolution No. R-303098 shall continue to have full force and effect.

NOTE: This item is being reconsidered at Councilmember Frye's request to change the effective date of the C&D surcharge at the Miramar Landfill.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 9:05 a.m. – 9:05 a.m.)

CONSENT MOTION BY MAIENSCHIEIN TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-not present, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-704: Changing the Effective Date of the City's Construction and Demolition (C&D) Surcharge at the Miramar Landfill.

STAFF'S RECOMMENDATION:

Change the effective date of the Construction and Demolition surcharge contained in the revised Fee Schedule and Regulations for the Miramar Landfill adopted by the City Council on November 20, 2007, from January 1, 2008 to April 1, 2008.

Adopt the following resolution:

(R-2008-496) ADOPTED AS RESOLUTION R- 303282

Changing the effective date of the Construction and Demolition surcharge, as described in the revised Fee Schedule and Regulations for the Miramar Landfill, from January 1, 2008 to April 1, 2008;

Declaring that the above activity is statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15273(a)(1) because this activity constitutes the restructuring of a fee which the City Council hereby finds is implemented for the purpose of meeting operating expenses.

STAFF SUPPORTING INFORMATION:

On November 20, 2007, Council adopted Resolution No. R-303201 which approved the revised Fee Schedule and Regulations for the Miramar Landfill. That action included approval of a surcharge on C&D material delivered to the Miramar Landfill for disposal effective January 1, 2008. This action would change the effective date of the C&D surcharge to April 1, 2008. The C&D surcharge for flat rate loads is determined by multiplying the applicable standard disposal fee for general refuse by 1.5. The C&D surcharge for weighed loads (fee based on actual weight) is determined by multiplying the applicable standard disposal fee for general refuse for weighed loads by 2.75. The C&D surcharge will be imposed on all loads which include 20% or more of C&D material delivered to the Miramar Landfill for disposal.

FISCAL CONSIDERATIONS:

The C&D Surcharge will impact the Refuse Disposal Fund. The reactivation of the C&D surcharge will discourage/divert C&D material from disposal at the Miramar Landfill. Most of this will be C&D material generated outside of City limits; however C&D material generated inside City limits but not diverted by the C&D Debris Diversion Deposit Ordinance will also be affected. There are too many unknown factors at this time to adequately project the financial impact of this surcharge. When staff returns to Council with an update on the effectiveness of the C&D Debris Diversion Deposit Ordinance, sufficient data should be available to report the revenue impact of the C&D surcharge.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

Last revision to Fee Schedule and Regulations for Miramar Landfill was approved November 20, 2007.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Notices of the reconsideration of the C&D surcharge implementation date were forwarded to various identified stakeholders on December 4, 2007, and a 10-day notice will be published in the San Diego Daily Transcript, pursuant to AR 95.25. The new implementation date will be posted in advance at the Miramar Landfill (Fee Booth Operations, Greenery Section) along with distribution of flyers. Information will also be available on the Environmental Services Department's web page.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

City and Non-City Residents and Businesses; Franchised Haulers; and Refuse Disposal, Recycling, and General Funds.

Heap/Jarrell

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 9:05 a.m. – 9:06 a.m.)

MOTION BY FRYE TO ADOPT. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-not present, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

ITEM-705: Agreement with Liebert Cassidy Whitmore for Professional Consultant Services.

(See memorandums from Lisa Briggs dated 12/14/07 and Scott Chadwick dated 11/8/2007.)

STAFF'S RECOMMENDATION:

Adopt the following resolution: ADOPTED AS RESOLUTION R- 303283

Authorizing the Mayor to execute, for and on behalf of the City, an agreement with Liebert Cassidy Whitmore (Firm) for services pertaining to the meet and confer process with the City's five recognized employee organizations, under the terms and conditions set forth in the Agreement, together with any reasonably necessary modifications or amendments thereto which do not increase project scope or cost and which the Mayor shall deem necessary from time to time in order to carry out the purpose and intent of this project and agreement;

Authorizing the Chief Operating Officer to enter into the Consulting Agreement in an amount not to exceed \$400,000 on behalf of the City of San Diego with the Firm for consulting services pertaining to the meet and confer process with the City's five recognized employee organizations;

Approving Citywide cost allocation to pay for consulting services pertaining to the meet and confer process with the City's five recognized employee organizations;

Approving the expenditure of an amount not to exceed \$400,000 from the Citywide Cost Allocation for the purpose of executing this agreement, provided that one or more certificates demonstrating that the funds necessary for expenditure are, or will be, on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess funds, if any, to the appropriate reserves;

Declaring that this activity is not a project and is therefore not subject to the California Environmental Quality Act (CEQA), pursuant to State CEQA Guidelines Section 15060(c)(3).

STAFF SUPPORTING INFORMATION:

The agreement with Liebert Cassidy Whitmore and the City of San Diego to provide consulting services to the City pertained to the meet and confer process with the City's five recognized employees organizations. It is anticipated that services provided are not to exceed \$400,000.

FISCAL CONSIDERATIONS: None.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION: None.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: None.

KEY STAKEHOLDERS AND PROJECTED IMPACTS: None.

Chadwick/Snapper

Staff: Scott Chadwick - (619) 236-5587

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 9:06 a.m. – 9:19 a.m.)

MOTION BY MADAFFER TO ADOPT. Second by Hueso. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Council President Peters at 9:20 a.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 9:20 a.m.)

Elizabeth S. Maland, City Clerk
City of San Diego