

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, JUNE 22, 2004
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Murphy at 10:12 a.m. Mayor Murphy recessed the meeting at 11:02 a.m. for the purpose of a break. Mayor Murphy reconvened the meeting at 11:09 a.m. with all Council Members present. Mayor Murphy recessed the meeting at 11:10 a.m. to convene the Redevelopment Agency. Mayor Murphy reconvened the meeting at 11:42 a.m. with all Council Members present. Mayor Murphy recessed the meeting at 11:57 a.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Mayor Murphy at 2:15 p.m. with all Council Members present. Mayor Murphy recessed the meeting at 3:20 p.m. for the purpose of a break. Mayor Murphy reconvened the meeting at 3:33 p.m. with all Council Members present. Mayor Murphy recessed the meeting at 4:28 p.m. for the purpose of a break. Mayor Murphy reconvened the meeting at 4:36 p.m. with Council Member Maienschein not present. Mayor Murphy adjourned the meeting at 5:26 p.m. into Closed Session in the twelfth floor conference room to discuss existing and anticipated litigation matters.

ATTENDANCE DURING THE MEETING:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Zucchet-present
- (3) Council Member Atkins-present
- (4) Council Member Lewis-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present

(8) Council Member Inzunza-present

Clerk-Abdelnour/Lane (ek/gs)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Zucchet-present
- (3) Council Member Atkins-present
- (4) Council Member Lewis-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Don Stillwell spoke on prayer and the history of the Republic.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:19 a.m. – 10:21 a.m.)

PUBLIC COMMENT-2: **REFERRED TO THE CITY MANAGER**

Jose Lopez commented on the problem of noise caused by two-piston engines in the neighborhood.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:22 a.m. – 10:22 a.m.)

PUBLIC COMMENT-3:

Jarvis Ross made comments regarding pension plans affecting local city workers.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:24 a.m. – 10:26 a.m.)

PUBLIC COMMENT-4:

Mel Shapiro commented on the budget for the City of San Diego and how funds are expended.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:27 a.m. – 10:29 a.m.)

PUBLIC COMMENT-5:

Ron Boshun spoke on the actions of the San Diego City Council.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:30 a.m. – 10:33 a.m.)

PUBLIC COMMENT-6:

REFERRED TO COUNCIL DISTRICT SIX

Billy Paul expressed his thoughts on the signage on Clairemont Drive which will divert traffic on the Fourth of July, and also commented on maintaining the Service Centers in the Clairemont area.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:34 a.m. – 10:36 a.m.)

PUBLIC COMMENT-7:

Sandy Summers spoke on the evolution of the City Council

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:38 a.m. – 10:40 a.m.)

PUBLIC COMMENT-8:

Joseph Braverman commented on the actions of past City Councils and how voting should take place in the upcoming election. Mr. Braverman also wished to propose drug-screening for candidates running for public office.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:41 a.m. – 10:43 a.m.)

PUBLIC COMMENT-9:

Arleen Freeman expressed her thoughts on a proposed Yanti resolution.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:44 a.m. – 10:47 a.m.)

PUBLIC COMMENT-10:

Carl DeMaio made comments regarding cost savings and the City Budget.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:48 a.m. – 10:51 a.m.)

PUBLIC COMMENT-11:

Reverend Jim Gilbert commented on the homeless children in City Heights and gentrification in the area.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:52 a.m. – 10:54 a.m.)

COUNCIL COMMENT:

COUNCIL COMMENT-1:

Council Member Zucchet wished to thank the Park and Recreation Department for their role in making possible the groundbreaking at Pacific Beach Elementary School last Thursday, June 17, 2004.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:55 a.m. – 10:56 a.m.)

COUNCIL COMMENT-2:

Mayor Murphy pointed out that last Thursday, he attended his daughter's graduation at the University of California Davis. Mayor Murphy also stated that he and Council Member Madaffer attended the groundbreaking for the new fire station in the Del Cerro/ Allied Gardens area. In addition, he, Council Member Maienschein and Council Member Peters announced yesterday the official opening of State Route 56.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:57 a.m. – 10:57 a.m.)

COUNCIL COMMENT-3:

Council Member Lewis thanked Mayor Murphy and the Park and Recreation Department and its staff for their role in the ribbon-cutting ceremony to open the new Mountain View Recreation Center this past Saturday, June 19, 2004.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:57 a.m. – 10:57 a.m.)

COUNCIL COMMENT-4:

Council Member Peters announced that this Saturday, June 26, 2004, the Strawberry Stand at the San Diego River Park will be dedicated.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:58 a.m. – 10:59 a.m.)

CITY MANAGER COMMENT:

None.

CITY ATTORNEY COMMENT:

City Attorney Casey Gwinn commented on the settlement of a case involving properties on Kearney Avenue by the Code Enforcement Unit of the San Diego City Attorney's Office. Mr. Gwinn wished to thank Council Member Inzunza and his staff for their assistance on this case.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 11:00 a.m. – 11:01 a.m.)

ITEM-330: In the Matter of the Service Level Agreement for the Water Department, Metropolitan Wastewater Department, and Environmental Services Department.

REPORT ACCEPTED

(See memorandum from Councilmember Frye dated 6/10/2004.)

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 11:52 a.m. – 11:56 a.m.;
2:15 p.m. – 3:34 p.m.; 5:03 p.m. – 5:18 p.m.)

MOTION BY PETERS TO ACCEPT THE REPORT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-not present, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-331: Increased Water Capacity Charges.

(Continued from the meeting of June 8, 2004, Item 333, at the request of the City Manager, for further review.)

(See City Manager Report CMR-04-121.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-1307 REV.) ADOPTED AS AMENDED AS RESOLUTION
R-299373

Declaring that the City Council finds and determines that the foregoing Recitals are true and correct;

Authorizing and directing the City Manager to increase Capacity Charges to \$2,550 per equivalent dwelling unit, effective July 1, 2004, except for affordable housing units and residential units in redevelopment areas and commercial and industrial enterprises qualifying for reduced Capacity Charges pursuant to City Council Policy 900-12 and Resolution R-287543, adopted on June 24, 1996.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:38 p.m. – 3:54 p.m.)

MOTION BY FRYE TO ADOPT THE RESOLUTION AS AMENDED TO INCLUDE LANGUAGE THAT WOULD INCORPORATE A PIPELINE PROVISION AND DIRECT THE CITY MANAGER TO BRING BACK TO COUNCIL SEWER CAPACITY CHARGES WITH SIMILAR LANGUAGE. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-332: Two actions related to Reaffirmation of Water Fees and Charges Previously Adopted on April 30, 2002.

(Continued from the meeting of June 8, 2004, Item 334, at the request of the City Manager, for further review.)

(See City Manager Report CMR-04-120.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2004-1268) ADOPTED AS RESOLUTION R-299374

Reaffirming water rates increases previously adopted on April 30, 2002.

Subitem-B: (R-2004-1272) ADOPTED AS RESOLUTION R-299375

Reaffirming prior increases of water commodity charges and base fees due to increases in the wholesale cost of water and authorizing and directing the City Manager to increase, as necessary, water rates due to future increases in the wholesale cost of water.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:34 p.m. – 3:37 p.m.)

MOTION BY PETERS TO ADOPT. Second by Zucchet. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-nay, Frye-nay, Madaffernay, Inzunza-yea, Mayor Murphy-yea.

ITEM-333: New Water Rate Structure.

(Continued from the meeting of June 8, 2004, Item 335, at the request of the City Manager, for further review.)

(See City Manager Report CMR-04-119.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2004-1288) FAILED DUE TO LACK OF FIVE AFFIRMATIVE
VOTES

Declaring that the City Council finds and determines that the foregoing Recitals are true and correct;

Authorizing the City Manager to implement, effective July 1, 2004, the New Rate Structure as set forth in Exhibit A, and by this reference incorporated into this resolution;

Authorizing the City Manager to implement the Prior Rate Increases to the New Rate Structure, by applying the 6% rate increases proportionately to the base fee component and to the commodity charge component of the New Rate Structure, and that such adjustment be implemented on July 1, 2005, and July 1, 2006.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 3:54 p.m. – 5:03 p.m.)

Motion by Madaffer to continue for six months. Second by Peters. Failed by the following vote. Peters-yea, Zucchet-nay, Atkins-nay, Lewis-nay, Maienschein-not present, Frye-nay, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

Motion by Frye to adopt. Second by Zucchet. Failed by the following vote. Peters-nay, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-not present, Frye-yea, Madaffer-nay, Inzunza-nay, Mayor Murphy-nay.

Motion by Zucchet to continue for one week. Second by Frye. Failed by the following vote. Peters-nay, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-not present, Frye-yea, Madaffer-nay, Inzunza-nay, Mayor Murphy-nay.

ITEM-S500: San Diego Data Processing Corporation.

(See City Manager Reports CMR-04-108 and CMR-04-090, memorandum from Rey Arellano dated 5/17/2004, letter from Andrea L. Johnson dated 5/7/2004, letter from Roger Talamantez dated 5/14/2004, memorandum from Ad Hoc Committee dated 5/5/2004, letter from Dr. Gloria Ma dated 5/5/2004, and letter from Al and Catherine Strohlein dated 5/19/2004.)

(Continued from the meeting of June 14, 2004, Item S406, at the request of the City Manager, for further review of legal issues.)

TODAY'S ACTION IS:

Adopt the following resolution:

(R-2004-1339) CONTINUED TO TUESDAY, JULY 13, 2004

Delegating the voting proxy of the City as the Member of the SDDPC to the City Manager, without limitation, over matters related to SDDPC;

Declaring that officers and employees of the City shall be eligible to serve as voting members of the SDDPC Board of Directors (Board);

Directing the City Manager to change the Board's composition to include three City staff as part of the seven-member Board: the City's Chief Information Officer (CIO) and two additional staff at the Deputy City Manager or Department Director level;

Directing the Board to confirm the CIO as Chair of the Board;

Directing the SDDPC, its Board, officers, and employees to fully and timely cooperate in all matters related to the City's efforts to develop an implementation plan.

**RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S
RECOMMENDATION:**

On 5/19/2004, RULES voted 5 to 0 to:

- A. Approve the following and forward to the full City Council:
 1. Delegate the voting proxy of the City, as the sole member of the San Diego Data Processing Corporation (SDDPC), to the City Manager, without limitation, over matters related to SDDPC.
 2. Direct that officers and employees of the City shall be eligible to serve as voting members of the SDDPC Board of Directors (Board).
 3. Direct the City Manager to change the Board's composition to include three City staff as part of the seven-member Board: The City's Chief Information Officer (CIO) and two additional staff at the Deputy City Manager or Department Director level.
 4. Direct the Board to confirm the CIO as Chair of the Board and direct the City Attorney to provide the City Council with a legal opinion on this issue.
 5. Direct SDDPC, its Board, Officers, and employees to fully and timely cooperate in all matters related to the City's efforts to develop an implementation plan.

- B. Approve the following with direction to return to the Rules Committee as indicated:
 1. Direct the City Manager to establish a Project Team to take full advantage of the expertise and knowledge of the City and SDDPC staff. This Project Team will include the City Manager's Office, the City Attorney, SDDPC's General Counsel and specialized outside counsel, and senior SDDPC staff.
 2. This Project Team should define the problems and potential solutions, including identifying the necessary consultants and framing the Scope of Work for any objective analysis, and identifying cost savings that could be implemented immediately. This Project Team should provide an unbiased and objective review of all strategic options for Information Technology (IT) sourcing for the City's short and long-term IT needs.
 3. The Project Team should focus on the four questions posed by the Mayor and be charged with returning comprehensive answers to those questions: What organizational structure will save the taxpayers the most money? What

- organizational structure will provide the best information technology service?
What organizational structure will best prevent future abuse? What are the
existing legal obligations and rights of both the City and SDDPC?
4. The City Manager will provide a progress report to the Rules Committee in 90 days and the final Project Team Report will be due back at the Rules Committee in 180 days.

(Mayor Murphy, Deputy Mayor Atkins, Councilmembers Peters, Maienschein, and Madaffer voted yea.)

FILE LOCATION: NONE

COUNCIL ACTION: (Time duration: 11:42 a.m. – 11:50 a.m.)

MOTION BY MADAFFER TO CONTINUE TO TUESDAY, JULY 13, 2004 IN ORDER TO CLARIFY LEGAL ISSUES. Second by Inzunza. Passed by the following vote: Peters-nay, Zucchet-nay, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-nay.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Murphy at 5:26 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 5:26 p.m.)