

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
MONDAY, FEBRUARY 5, 2007
AT 2:00 P.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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CHRONOLOGY OF THE MEETING:

The meeting was called to order by Council President Peters at 2:03 p.m. Council President Peters recessed the meeting at 3:20 p.m. for the purpose of a break. Council President Peters reconvened the meeting at 3:27 p.m. with Council Member Madaffer not present. Council President Peters recessed the meeting at 4:54 p.m. for the purpose of a break. Council President Peters reconvened the meeting at 5:00 p.m. with Council Member Maienschein not present. The meeting was adjourned by Council President Peters at 5:48 p.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 (gs)

FILE LOCATION: MINUTES



[ITEM-1:](#) 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-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Hueso-present

FILE LOCATION: MINUTES



[ITEM-10:](#) INVOCATION

Invocation was given by City Clerk Liz Maland.

FILE LOCATION: MINUTES



[ITEM-20:](#) PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Faulconer.

FILE LOCATION: MINUTES

CLOSED SESSION ITEMS:

Conference with Legal Counsel - existing litigation, pursuant to California Government Code section 54956.9(a):

CS-1 *Conrad Schaefer v. City of San Diego*
San Diego Superior Court Case No. GIC 864460

REFERRED TO CLOSED SESSION OF TUESDAY, FEBRUARY 6, 2007

DCA assigned: Bonny Hsu

This matter involves an alleged dangerous condition on a City road. Plaintiff claims that the alleged condition resulted in damage to Plaintiff's vehicle and personal injuries. The City Attorney requests that the City Council consider a settlement offer in closed session.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:23 p.m. – 2:23 p.m.)

Council President Peters closed the hearing.

CS-2 *Howard DeYoung & Citizens for the Recreation Use of Pueblo Land v. The City of San Diego, et al.*
San Diego Superior Court Case No.: GIC 849647

REFERRED TO CLOSED SESSION OF TUESDAY, FEBRUARY 6, 2007

DCA assigned: J. Riley

Plaintiff presents for the City's consideration an offer of settlement. The City Attorney will advise the Council on the status of this litigation and Plaintiff's offer to settle.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:23 p.m. – 2:23 p.m.)

Council President Peters closed the hearing.

CS-3 *Friends of Rose Canyon et al. v. City of San Diego*
San Diego Superior Court Case No. GIC 874140

Las Palmas Condominium Owners' Association et al. v. City of San Diego
San Diego Superior Court Case No. GIC 872000

REFERRED TO CLOSED SESSION OF TUESDAY, FEBRUARY 6, 2007

DCA assigned: C. Brock

The above lawsuits arise from the City Council's certification of the Environmental Impact Report [EIR] for the University City North/South Transpiration Corridor Study, Project No. 27445, the adoption of findings and statements of over-riding considerations related to the EIR, and the Council's legislative decision to approve and direct staff to implement the Regents Road Bridge Alternative and undertake the implementation of an amendment to the University City Community Plan to delete the Genesee Road widening alternative. Authority to settle all claims will be requested.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:23 p.m. – 2:23 p.m.)

Council President Peters closed the hearing.

CS-4 *In The Matter of: Natural Gas Anti-Trust Cases I, II, III, & IV*
Re: All Price Indexing Cases, JCCP Nos. 4221, 4224, 4226, and 4228
San Diego Superior Court, Coordination Proceedings, Special Title (Rule 155(b))
JCCP Nos. 4221, 4224, 4226, 4228, Natural Gas Anti-Trust Cases, I, II, III, IV.

REFERRED TO CLOSED SESSION OF TUESDAY, FEBRUARY 6, 2007

DCA assigned: F. Ortlieb

This matter involves a proposed settlement with TXU Energy Company (TXU) in ongoing natural gas antitrust litigation authorized by the Council in 2004 for anti-competitive conduct by natural gas sellers in 2000-2001. The City is one of fifteen Independent Plaintiffs in the litigation which includes other cities and counties. TXU is one of more than fifteen defendants named in the litigation.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:23 p.m. – 2:23 p.m.)

Council President Peters closed the hearing.

Conference with Labor Negotiator, pursuant to Government Code section 54957.6:

CS-5 Agency negotiator: Scott Chadwick, J. Rod Betts, Lisa Briggs, Rich Snapper, Jessica Falk Michelli, William Gersten, and Debora Buljat

Employee organizations: Local 145 International Association of FirefightersAFL-CIO, San Diego Police Officers Association, and Deputy City Attorney Association

REFERRED TO CLOSED SESSION OF TUESDAY, FEBRUARY 6, 2007

DCA assigned: W. Gersten/D. Buljat

Discuss with Council pending substantive negotiations with employee unions (Police Officers Association, International Association of Firefighters Local 145, and the Deputy City Attorney's Association).

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:23 p.m. – 2:23 p.m.)

Council President Peters closed the hearing.

MOTION BY FRYE TO INTRODUCE THE ORDINANCE IN SUBITEM A AS RECOMMENDED BY THE INDEPENDENT BUDGET ANALYST AS AMENDED IN "SECTION 14" TO: 1) REPLACE THE WORDS "IS EXPECTED TO" WITH "WILL" IN THE FIRST SENTENCE; 2) ADD THE WORDS "MATERIALLY AND SUBSTANTIALLY" BETWEEN THE WORDS "IN" AND "REDUCING" IN THE FIRST SENTENCE; AND 3) DELETE THE SECOND SENTENCE THAT BEGINS WITH THE WORDS, "FOR ANY FISCAL YEAR, FUNDING FOR CITY SERVICES AND PROGRAMS ...". Second by Atkins. Passed by the following vote: Peters-nay, Faulconer-nay, Atkins-yea, Young-yea, Maienschein-nay, Frye-yea, Madaffer-yea, Hueso-yea.

MOTION BY FRYE TO REPEAL THE BUSINESS PROCESS REENGINEERING PORTION OF THE ORDINANCE AS STATED IN "SECTION 2". Second by Atkins. Passed by the following vote: Peters-nay, Faulconer-nay, Atkins-yea, Young-yea, Maienschein-nay, Frye-yea, Madaffer-yea, Hueso-yea.

MOTION BY FRYE TO ADOPT THE RESOLUTION IN SUBITEM B AS AMENDED TO: 1) REPLACE THE WORD "REQUESTED" WITH "REQUIRED" IN THE PHRASES "THE MAYOR IS HEREBY REQUESTED"; 2) INCLUDE CHARTER SECTION 28 WHERE REFERENCING CHARTER SECTIONS; AND 3) REMOVE THE WORDS "AS PART OF THE BUSINESS PROCESS REENGINEERING" IN THE LAST SENTENCE. Second by Madaffer. Passed by the following vote: Peters-yea, Faulconer-yea, Atkins-yea, Young-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Hueso-yea.



[ITEM-201](#): Enterprise Resource Planning Core System Project.

(See Report to the City Council No. 07-027.)

STAFF'S RECOMMENDATION:

Adopt the following resolution:

(R-2007-745) ADOPTED AS RESOLUTION R-302332

Approving, in concept, a project to be known as the Enterprise Resource Planning ("ERP") System Core projects, as described in Report to the City Council No. 07-027;

Requesting the Mayor, or his designee, to return to the Council of the City of San Diego, to present for approval a financing package for the ERP System Core Project.

STAFF SUPPORTING INFORMATION:

The final report of the Audit Committee (Kroll Report) was delivered and presented to the City of San Diego on August 8, 2006. A comprehensive set of remediation steps was outlined in this report including the following under the heading of Information Technology: *"By no later than June 30, 2007, the CFO should evaluate the information technology needs of the City, including benchmarking of existing systems against available systems suitable for responsible management of the City's finances and the preparation of timely and accurate CAFRs and budgets as described above. Within 18 months the City shall have selected a new information system and taken all steps necessary for the system's implementation. Within 36 months, the City's new financial information system shall have been fully tested to ensure effectiveness and efficiency and will be implemented."*

Though specifically highlighted as part of the Kroll report, the need to replace the City's aging financial and human resource systems is not new. The major software systems being used by the Department of Finance and Business & Support Services no longer meet the City's requirements for responsible financial management, efficient human resources management, and information technology (IT) operational efficiency. The Mayor has reviewed options for correcting this deficiency and has determined that an Enterprise Resource Planning (ERP) system is the best solution for the City. The Mayor is requesting that City Council approve, in concept, a project to be known as the ERP System Core project.

FISCAL CONSIDERATIONS:

The overall estimated cost of evaluating, selecting and implementing the core functionality of the ERP system is \$36.5 million. The City is pursuing financing of up to \$29.5 million. The Mayor will return to Council for approval of the proposed financing package. The estimated annual commitment for supporting the ERP system has been included in the Mayor's five year financial plan.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

On September 6, 2006, the Mayor presented to City Council his proposed responses to the remedial recommendations of the City of San Diego's Audit Committee. The City Council agreed to accept and adopt in principle the Mayor's responses to the remedial recommendations of the City's Audit Committee, knowing that any changes in appropriations, Municipal Code, Council Policy or City Charter, will come to the Council for further review and discussion as the plan is implemented.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

On August 24, 2006, the Mayor discussed his remediation plan in response to the City of San Diego's Audit Committee Report at a town hall style meeting. In addition, the Mayor created a "Kroll News Center" on the City's public website that includes the Mayor's proposed Remediation Plan with Fact sheet and Remediation Plan Remarks as well as a video link to the previously mentioned town hall meeting and the Audit Committee Report itself.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

The City is evaluating the impact of this project on its business partners and on related agencies to include the San Diego City Employee Retirement System (SDCERS) and San Diego Data Processing Corporation (SDDPC). It is anticipated that some effort will be required to integrate the financial systems used by these organizations with the City's ERP system. Detailed planning of these integrations will take place as part of the project planning phase.

McGarvey/Reynolds

Staff: Matt McGarvey - (619) 533-3637
Steven R. Lastomirsky - Deputy City Attorney

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:06 p.m. – 2:23 p.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.

ITEM-250: **Notice** of Pending Final Map Approval - Levanto.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled "Levanto" (T.M. No. 147057/PTS No. 95184), located on the south side of Adobe Falls Road easterly of Waring Road in the Navajo Community Plan Area in Council District 8, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

(1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.

(2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.

(3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

REPORT OUT OF CLOSED SESSION:

None.

NON-DOCKET ITEMS:

None.

