

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, APRIL 12, 2005
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 10:06 a.m.

Mayor Murphy recognized Elmer Heap, Director of the City's Environmental Department, and representing the Zone Recycling Program, who presented Mayor Murphy with a check for \$73,354.19. The check was accepted by Mayor Murphy on behalf of the City Council, the City employees and all the Recreation Councils throughout the City, thanking the citizens of San Diego and City employees who took the time and effort to do their part for the environment by bringing their recyclables to neighborhood recreation centers and recycling stations. Mayor Murphy stated that these funds will be given to the Recreation Councils of the Park and Recreation Department, who will use it to purchase recreation equipment, uniforms, trophies, athletic leagues and for other similar activities.

Mayor Murphy recessed the meeting at 11:08 a.m. to reconvene at 2:00 p.m. in Golden Hall at the San Diego Concourse.

The meeting was reconvened by Mayor Murphy at 2:14 p.m. with all Council Members present. Mayor Murphy recessed the meeting at 3:58 p.m. for the purpose of a break. Mayor Murphy reconvened the meeting at 4:13 p.m. with Council Member Madaffer and Council Member Inzunza not present. Mayor Murphy recessed the meeting at 5:57 p.m. for the purpose of a break. Mayor Murphy reconvened the meeting at 6:15 p.m. with Deputy Mayor Zucchet, Council Member Frye, and Council Member Inzunza not present. The meeting was adjourned by Mayor Murphy at 8:00 p.m.

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 Young-present
 - (5) Council Member Maienschein-present
 - (6) Council Member Frye-present
 - (7) Council Member Madaffer-present
 - (8) Council Member Inzunza-not present
- Clerk-Abdelnour/Maland (mc/gs)

FILE LOCATION: MINUTES



ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Murphy-present
- (1) Council Member Peters-not present
- (2) Council Member Zucchet-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 Inzunza-not present

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Comment by Don Stillwell regarding the subject "Wages are tax-exempt." Mr. Stillwell submitted the Report on "Defending our Tax Exempt Wages" by IRS employees, and requested that Council study the Report and report its findings to the public.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:14 a.m. – 10:18 a.m.)

PUBLIC COMMENT-2:

Comment by Hud Collins requesting that Council call for a Charter Convention to address the City problems which include financial, pension, affordable housing, Mt. Soledad, and audit problems within the City.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:18 a.m. – 10:21 a.m.)

PUBLIC COMMENT-3:

Comment by Sandy Summers regarding the subject of “domestic evolution.”

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:21 a.m. – 10:25 a.m.)

PUBLIC COMMENT-4:

Comment by Helen Irza clarifying the Fairbanks Ranch Country Club issue of banning women from its lounge.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:25 a.m. – 10:29 a.m.)

PUBLIC COMMENT-5:

Comment by Joy Sunyata thanking Mr. David C. Copley for his gift of \$2 million for a new Downtown Central Library, stating that moving forward with a new downtown library will provide a beacon of hope and renewal and a new symbol of prosperity.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:29 a.m. – 10:31 a.m.)

PUBLIC COMMENT-6:

Comment by Bill Bradshaw thanking Council for keeping Non-Agenda Comment at the beginning of the meeting. He also commented on the City of San Diego's Five-Year Plan.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:31 a.m. – 10:33 a.m.)

PUBLIC COMMENT-7:

Comment by Ron Boshun regarding Council's actions.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:33 a.m. – 10:37 a.m.)

PUBLIC COMMENT-8:

Comment by Phil Hart regarding the presentation last week by District Attorney Bonnie Dumanis to transfer misdemeanor cases to the Office of the District Attorney.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:37 a.m. – 10:39 a.m.)

PUBLIC COMMENT-9:

Comment by Kathleen MacLeod, representing the Women's League of Voters, voicing their concerns regarding the current rules for Non-Agenda Comment and offered several recommendations for improving the public comment process.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:39 a.m. – 10:42 a.m.)

PUBLIC COMMENT-10:

Comment by Dorothy Lazenby regarding the San Diego Police Department, homeless population and shelters, keeping the streets clean, need for more public restrooms, and more jobs for American citizens.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:42 a.m. – 10:46 a.m.)

PUBLIC COMMENT-11:

Comment by Richard Rider regarding the City's Pension and the need for an Independent Budget Analyst that would give independent, unbiased, unvarnished advice and suggested hiring the analyst as an outside contractor with term-limits.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:46 a.m. – 10:49 a.m.)

PUBLIC COMMENT-12:

Comment by Daniel Coffey regarding the City's financial status and the City Attorney's Third Interim Report.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:49 a.m. 10:52 a.m.)

PUBLIC COMMENT-13:

Comment by Marvin Carpenter regarding District Attorney Bonnie Dumanis' proposal for transferring City of San Diego misdemeanor cases to her office and an update on the Planning problem of wrong information being provided to the public.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:52 a.m. – 10:55 a.m.)

PUBLIC COMMENT-14:

Comment by Muhammed Abdullah regarding the terrorist attack on America on September 11, and suggested that the video "9/11 in Plain Sight" and the compact disk of the interview with Stanley Hilton be viewed by the Fire and Police Departments.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:55 a.m. – 10:58 a.m.)

PUBLIC COMMENT-15:

Comment by Joe Braverman regarding the subject of "Advisory Vote."

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:58 a.m. – 11:01 a.m.)

PUBLIC COMMENT-16:

Comment by Abdur Rahim Hameed inviting Council to the 23rd Anniversary Gala being held on April 22, to celebrate 23 years of building unity in the building industry.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:01 a.m. – 11:03 a.m.)

PUBLIC COMMENT-17:

Comment by Pastor James Ward regarding public safety and requested that Council work with him and the community to set up programs with a wrap-around concept to provide education and skills to help young people get off the streets and away from drugs and alcohol.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 11:03 a.m. – 11:06 a.m.)

COUNCIL COMMENT:

COUNCIL COMMENT-1:

Comment by Council Member Madaffer thanking Don Stillwell for his continued vigilance in weeding the areas in San Diego that are neglected.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 11:06 a.m. – 11:08 a.m.)

CITY MANAGER COMMENT:

None.

CITY ATTORNEY COMMENT:

None.



ITEM-330: Adding a Living Wage Ordinance to the San Diego Municipal Code and Amendments to the Service Worker Retention Ordinance and Service Contractor Qualification Requirements.

(See City Manager Report No. CMR-05-090. See memorandum from Mayor Murphy dated 3/16/2005; memorandum from Deputy Mayor Zucchet, Councilmembers Atkins, Young, and Frye dated 3/15/2005; and memorandum from Councilmember Atkins dated 4/8/2005; and memorandum from the San Diego Convention Center Corporation dated 4/6/2005.)

TODAY'S ACTIONS ARE:

Introduce the following ordinances:

Subitem-A: (0-2005-9) INTRODUCED AS AMENDED, TO BE
REINTRODUCED ON TUESDAY, MAY 3, 2005

Amending Chapter 2, Article 2 of the San Diego Municipal Code by adding Division 41, relating to wages and health benefits for certain categories of persons employed by businesses that contract with the City, receive financial assistance from the City, or work at certain sports, entertainment, or convention facilities in the City of San Diego. In particular, this Ordinance provides that employers covered by Division 41 shall pay covered employees a wage of no less than \$10.00 per hour if health benefits are paid, or \$12.00 per hour if no health benefits are paid; and provide certain compensated and uncompensated time off for sick leave, vacation, or personal necessity leave. This Ordinance also provides reporting and notification requirements and enforcement provisions.

Subitem-B: (0-2005-114) INTRODUCED, TO BE ADOPTED ON TUESDAY,
MAY 3, 2005

Amending Chapter 2, Article 2, Division 28 of the San Diego Municipal Code by amending Sections 22.2801 and 22.2802, relating to retention of persons employed by businesses that contract with the City.

Subitem-C: (0-2005-115) INTRODUCED, TO BE ADOPTED ON TUESDAY,
MAY 3, 2005

Amending Chapter 2, Article 2, Division 32 of the San Diego Municipal Code by adding Section 22.3224, relating to Contractor Standards for Contracts for Services.

FILE LOCATION: Subitems A-C: NONE

COUNCIL ACTION: (Time duration: 2:15 p.m. – 7:58 p.m.)

MOTION BY ATKINS TO:

A) INTRODUCE THE ORDINANCE FOR SUBITEM-A AS PRESENTED BY THE CITY ATTORNEY WITH THE FOLLOWING CHANGES:

- 1) PHASE IN THE APPLICATION OF THE PARAMETERS OF THE LIVING WAGE ORDINANCE IN ACCORDANCE WITH THE MEMORANDUM SUBMITTED BY COUNCIL MEMBER ATKINS ON APRIL 8, 2005, TO THE MAYOR AND COUNCIL WITH THE TIMEFRAME FOR COVERED EMPLOYERS AS FOLLOWS:
 - RESPONSIBLE CONTRACTOR, WORKER RETENTION, ANTI-RETALIATION WITH A THRESHOLD AMOUNT OF \$25,000 TO BE IMPLEMENTED IN 90 DAYS;
 - FINANCIAL ASSISTANCE RECIPIENTS WITH A THRESHOLD AMOUNT OF \$500,000 TO BE IMPLEMENTED IN FISCAL YEAR 07;
 - SERVICE CONTRACTORS WITH A THRESHOLD AMOUNT OF \$25,000 TO BE IMPLEMENTED IN FISCAL YEAR 07;
 - NON-PROFITS CDBG RECIPIENTS (8 TO 1 RATIO) WITH A THRESHOLD AMOUNT OF \$25,000 TO BE IMPLEMENTED IN FISCAL YEAR 07;
 - TOT RECIPIENTS (CURRENTLY INCLUDED IN DEFINITION OF FINANCIAL ASSISTANCE AGREEMENT) WITH A THRESHOLD AMOUNT OF \$750,000 TO BE IMPLEMENTED IN FISCAL YEAR 08;
 - CITY FACILITIES WITH A THRESHOLD AMOUNT OF \$25,000 TO BE IMPLEMENTED IN FISCAL YEAR 08;

- 2) REFER AND INCLUDE THE ISSUE OF A LIVING WAGE TO FUTURE, NOT CURRENT, MEET-AND-CONFER DISCUSSIONS WITH THE CITY'S EMPLOYEE UNIONS;
 - 3) ON PAGE 4, SECTION 22.4105, DEFINITIONS, ADD SECTION "E" TO INCLUDE "CITY CONCOURSE";
 - 4) ON PAGE 8, SECTION 22.4110, APPLICABILITY OF LIVING WAGE ORDINANCE, SECTION A, INCLUDE THE ALTERNATE LANGUAGE IN BOLD TEXT TO READ "THIS DIVISION SHALL APPLY TO ANY SERVICE CONTRACT, FINANCIAL ASSISTANCE AGREEMENT, OR ANY APPLICABLE SUBCONTRACT, ENTERED INTO, AWARDED, AMENDED, RENEWED, OR EXTENDED ON OR AFTER JULY 1, 2005";
 - 5) ON PAGE 8, SECTION 22.4110, APPLICABILITY OF LIVING WAGE ORDINANCE, SECTION B, INCLUDE THE ALTERNATE LANGUAGE IN BOLD TEXT TO READ "THIS DIVISION SHALL APPLY TO ANY CITY FACILITY AGREEMENT IN EFFECT ON JULY 1, 2005";
 - 6) ON PAGE 12, SECTION 22.4120, REPORTING AND NOTIFICATION REQUIREMENTS, SECTION C, CHANGE THE WORD "TEN" TO "THIRTY".
- B) INTRODUCE THE ORDINANCE FOR SUBITEM-B THAT WILL AMEND THE SERVICE WORKERS RETENTION ORDINANCE OF THE SAN DIEGO MUNICIPAL CODE THAT RELATES TO THE RETENTION OF PERSONS EMPLOYED BY BUSINESSES THAT CONTRACT WITH THE CITY OF SAN DIEGO;
- C) INTRODUCE THE ORDINANCE FOR SUBITEM-C THAT WILL AMEND THE SERVICE CONTRACTOR QUALIFICATION REQUIREMENTS OF THE SAN DIEGO MUNICIPAL CODE THAT RELATES TO CONTRACTOR STANDARDS FOR CONTRACTS FOR SERVICES.

Second by Frye. Passed by the following vote: Peters-nay, Zucchet-yea, Atkins-yea, Young-yea, Maienschein-nay, Frye-yea, Madaffer-nay, Inzunza-yea, Mayor Murphy-nay.

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Murphy at 8:00 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 8:00 p.m.)