

**AGENDA FOR THE
REGULAR COUNCIL MEETING OF
MONDAY, MARCH 2, 2009, AT 2:00 P.M.
CITY ADMINISTRATION BUILDING
COUNCIL CHAMBERS – 12TH FLOOR
202 “C” STREET
SAN DIEGO, CA 92101**

- ITEM-1: ROLL CALL.
- ITEM-10: INVOCATION.
- ITEM-20: PLEDGE OF ALLEGIANCE.

NON-AGENDA PUBLIC COMMENT

Non-agenda public comment is taken on Tuesday pursuant to San Diego Municipal Code Section 22.0101.5.

**MAYOR, COUNCIL, INDEPENDENT BUDGET ANALYST, CITY ATTORNEY
COMMENT**

UPDATES ON PENDING LEGISLATION (MAYOR’S OFFICE)

REQUESTS FOR CONTINUANCE

The Council will consider requests for continuance.

=== LEGISLATIVE SCHEDULE ===

Adoption Agenda, Discussion, Other Legislative Items

ITEM-200:

Amendments to the Permanent Rules of the Council.

TODAY'S ACTION IS: Introduce the ordinance.

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

=== EXPANDED CITY COUNCIL AGENDA ===

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

ORDINANCES TO BE INTRODUCED:

ITEM-200: Amendments to the Permanent Rules of the Council.

▶ [View referenced exhibit back-up material.](#)

(See memorandum from Councilmembers Frye, DeMaio, Lightner, and Emerald dated 2/3/2009; memorandum from Councilmember DeMaio dated 1/28/2009; memoranda from Council President Hueso dated 1/27/2009 and 1/14/2009; memorandum from Councilmembers Frye and DeMaio dated 11/13/2008, with accompanying documents; and Council District Eight's PowerPoint.)

TODAY'S ACTION IS:

Introduce the following ordinance:

(O-2009-104)

Introduction of an Ordinance amending the San Diego Municipal Code by amending Chapter 2, Article 2, Division 1, Section 22.0101.5, entitled "Permanent Rules of the Council," by amending Rule 2.2, Rule 4.2, and Rule 8.4, to read as follows:

Rule 2.2 Order of Business (Former Rule 3)

The order of business for Council meetings shall be as follows:

Monday at 2:00 p.m.

1. Roll Call
2. Invocation and Pledge of Allegiance
3. Requests for Continuances
4. Communications
5. Adoption Agenda
 - a) Committee Items
 - b) Other Legislative Items
 - c) Noticed Hearings (to be scheduled at various times throughout the day by the City Clerk based on the number of hearings and reasonable expectation of length) and Special Hearings
6. Public Comment on Closed Session Items
7. Public Notices
8. Non-Agenda Items
9. Adjournment

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

ORDINANCES TO BE INTRODUCED: (Continued)

ITEM-200: (Continued)

Tuesday at 9:00 a.m.

1. Closed Session

Tuesday at 10:00 a.m.

1. Roll Call
2. Pledge of Allegiance
3. Special Orders of Business
4. Non-Agenda Public Comment (limited to three minutes)
5. Requests for Continuance
6. Adoption Agenda
 - a) Consent Items
 - b) Noticed Hearings (to be scheduled at various times throughout the day by the City Clerk based on the number of hearings and reasonable expectation of length) and Special Hearings
 - c) Unfinished Business from Monday
7. Non-Agenda Items
8. Adjournment

Rule 4.2 Selection of the President

At the first regular Council meeting held after 10:00 a.m. the first Monday after the first day of December, the Council shall select a President from one of its members by majority votes of the Council. The President shall serve for a term of one year, commencing on the date set forth above, or until a successor is selected and qualified, whichever is later. The President may serve more than one term.

Rule 8.4 Transcription of Closed Sessions

Except for matter involving personnel decisions, all closed sessions shall be transcribed by a court certified reporter. All transcripts shall be retained.

RULES, OPEN GOVERNMENT, AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S RECOMMENDATION:

On 1/28/2009, Rules voted on the following:

ACTION: Motion by Councilmember Young, second by Chair Hueso, to make permanent temporary order changes and add Pledge of Allegiance to Tuesday agendas.

VOTE: 5-0; Hueso-yea, Faulconer-yea, Frye-yea, Gloria-yea; Young-yea

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

ORDINANCES TO BE INTRODUCED: (Continued)

ITEM-200: (Continued)

**RULES, OPEN GOVERNMENT, AND INTERGOVERNMENTAL RELATIONS
COMMITTEE'S RECOMMENDATION:** (Continued)

ACTION: Motion by Councilmember Frye, second by Councilmember Young, to add timing of election of Council President to immediately after elections. Direction to City Attorney to report on legality of Permanent Rules 2.9 and 2.10. Direction to IBA to report on costs associated with evening meetings.

VOTE: 5-0; Hueso-yea, Faulconer-yea, Frye-yea, Gloria-yea; Young-yea

ACTION: Motion by Councilmember Young, second by Chair Hueso, to amend Permanent Rules to exclude personnel discussions from transcription requirement.

VOTE: 4-1; Hueso-yea, Faulconer-yea, Frye-nay, Gloria-yea; Young-yea.

SUPPORTING INFORMATION:

- A. On January 14, 2009, the Rules Committee discussed and on January 28, 2009, the Rules Committee voted to recommend that the Council adopt the following amendments to the Permanent Rules of Council.
1. Order of Business: Make permanent the changes to Rule 2.2 regarding Order of Business approved by Council on January 30, 2006. These changes affect special orders of business, consent items, and noticed and special hearings. In addition to these changes, add the Pledge of Allegiance to each Tuesday's agenda.
 2. Council Presidency: Include language in Rule 4.2 to require that the election of the Council President take place during the first meeting after incoming Councilmembers are sworn in.
 3. Transcription of Closed Sessions: Change Rule 8.4 regarding the requirement for recording and transcribing of closed session meetings to exclude all personnel items.

The requested action is to adopt these amendments.

- B. On January 14, 2009, and January 28, 2009, the Rules Committee discussed but did not take action on the following proposed amendments, including two items referenced in a February 3, 2009, memorandum issued by Councilmembers Lightner, DeMaio, Frye, and Emerald, and other items referred to in my January 14, 2009, and January 27, 2009, memoranda. Of the items discussed but not forwarded to Council for action, the Rules Committee referred some to the City Attorney for further input so that the committee could take up all the remaining items at a subsequent committee meeting. Today, all related items are forwarded to the full Council for discussion, including but not limited to the following:

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

ORDINANCES TO BE INTRODUCED: (Continued)

ITEM-200: (Continued)

SUPPORTING INFORMATION: (Continued)

1. Time and Place of Meetings: Require that the Council convene on the first Monday of each month from 4:30-9:00 p.m. and that Non-Agenda Public Comment be included on this day.
2. Procedure for Council Meetings: Specify that any item requested by three Councilmembers in writing shall be docketed within 45 days.
3. Procedure for Debate: time management for Council meetings.

The requested action is that the Council determine whether to adopt these amendments and, as to those that the Council wishes to adopt, that Council direct the City Attorney to prepare the appropriate documents and return to Council within 30 days to effect those amendments and, as to those that Council deems require further discussion, that Council return them to the Rules Committee.

FISCAL CONSIDERATIONS: None.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

On January 28, 2009, the Rules Committee voted to recommend to the Council changes to the Permanent Rules of Council as described above. On January 14, 2009, and January 28, 2009, the Rules Committee discussed and did not forward to Council several other amendments as described above.

Hueso/Rodriguez

NOTE: This item is not subject to the Mayor's veto.

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**