

RULES AND OPEN GOVERNMENT COMMITTEE

Meeting Report
April 11, 2007

PRESENT: Mayor Reed, and Councilmembers Chirco, Constant and Liccardo

ABSENT: Vice Mayor Cortese

STAFF: City Attorney Rick Doyle, Interim Assistant City Clerk Nancy Alford, Redevelopment Agency Assistant Director Gary Miskimon, Redevelopment Agency Executive Director Harry Mavrogenes, Senior Executive Analyst Vilcia Rodriguez, and Executive Analyst Mashell Grimsley.

A. City Council

1. Review April 17, 2007 Final Agenda

Action: The Committee approved the following additions to the April 17, 2007 Council Agenda:

- Presentation of a proclamation declaring the month of May as “Le Hoi Phat Dan Truyen Thong Dan Gian” which is the traditional Buddhist celebration of Buddha’s Birthday. (Cortese)
- Approval of appointment to the Silicon Valley Workforce Investment Network (SVWIN). (Mayor)
- Item 1.1 (Presentation of a commendation to Ray Furuta) noted to be on the April 17, 2007 agenda instead of April 24, 2007 agenda.
- Item 1.5 (Presentation of a commendation to Barry Del Buono and EHC Lifebuilders) to be deferred to a future meeting. (Nguyen)
- Item 5.2 (Approval to amend the Strong Neighborhood Initiative Winchester Neighborhood Improvement Plan) to be heard first in the evening.

2. Review April 24, 2007 Draft Agenda

Action: The Committee approved the following additions to the April 24, 2007 Council Agenda:

- Item 1.1 (Presentation of a commendation to Ray Furuta) noted to be on the April 17, 2007 agenda instead of April 24, 2007 agenda.
- Request for an excused absence for Councilmember Campos. (Campos)
- Request for an excused absence for Vice Mayor Cortese. (Cortese)
- Acceptance of the findings report relating to the Bay 101 Conditional Approval of Stock Transfer

B. Redevelopment Agency

1. Review April 17, 2007 Final Agenda

There were no items for the April 17, 2007 Redevelopment Agency Agenda.

It was noted for the record that Item 5.2 (Approval to amend the Strong Neighborhood Initiative Winchester Neighborhood Improvement Plan) would be a joint item.

2. Review of April 24, 2007 Draft Agenda

There were no items for the April 24, 2007 Redevelopment Agency Agenda.

C. Legislative Update

1. State

a. Adopt Support Position for HR 359 (Solis), the César Estrada Chavez Study Act. (Cortese)

Action: The Committee deferred this item to April 18, 2007.

2. Federal

None.

D. Meeting Schedules

None.

E. The Public Record

Documents Filed: 1) Memorandum from Lee Price, City Clerk, dated April 6, 2007 transmitting the Public Record for the week of March 29- April 5, 2007; and 2) Memorandum from Mayor Reed dated April 10, 2007 regarding public review of potential Soccer Stadium Plan.

Public Comment: Lawrence Boesch, Charlotte Casey, Patricia Flynn, Gil Villagran, Jeff Lakes, Terry McCaffrey and Katherine Gallardy spoke against the City's sponsorship of Jeppeson International.

Action: The Committee noted and filed the Public Record except the letter from the Human Rights Commission regarding Jeppeson International. Staff was directed to return on April 18, 2007 to report if the San Jose Redevelopment Agency is funding Jeppeson International and to determine the City's ability to investigate Jeppeson International.

F. Appointments to Boards, Commissions and Committees

1. Re-appointments to the following commissions: Airport Commission, Arts Commission, Early Care and Education Commission, Library Commission, Senior Citizens Commission and Traffic Appeals Commission.

Documents Filed: 1) Memorandum from Mayor Reed dated April 3, 2007 recommending the re-appointment of Sukhdev Bainiwal to Airport Commission; 2) Memorandum from Councilmember Williams dated March 21, 2007 recommending re-appointment of Lisa Marie Gonzales, Dennis C. Martin and Michael P. Martin to Arts Commission; 3) Memorandum from Councilmember Chirco dated April 2, 2007 recommending re-appointment of Elizabeth Venkat, Timothy James Kirby, and Maureen Smith to Early Care and Education Commission; 4) Memorandum from Councilmember Nguyen dated April 4, 2007 recommending re-appointment of Vincent James Tarpey to Library Commission; 5) Memorandum from Councilmember Constant dated April 2, 2007 recommending re-appointment of Don Blankenship, Connie Langford, and Lawrence Saltman to Senior Citizens Commission; and 6) Memorandum from Councilmember Nguyen dated April 4, 2007 recommending re-appointment of Richard W. Daulton and Timothy James Flynn to Traffic Appeals Committee.

Action: The Committee approved the re-appointments.

G. Rules Committee Reviews, Recommendations and Approvals

1. Review the Independent Police Auditor's Report and Recommendations from Community Forums regarding the police in San José

Action: The Committee deferred this item to April 25, 2007.

2. Approve Travel Requests

Documents Filed: 1) Memorandum from Councilmember Campos dated April 2, 2007 requesting approval to travel to Sacramento, CA on May 16-17, 2007 to attend the League of California Cities Board of Director's Meeting; 2) Memorandum from Councilmember Cortese dated March 28, 2006 requesting approval to travel to Austin, TX on October 10-12, 2007 to attend the San Jose/Silicon Valley Chamber of Commerce City Trip 2007; 3) Memorandum from Councilmember Chirco dated March 29, 2007 requesting approval to travel to Austin, TX on October 10-12, 2007 to attend the San Jose/Silicon Valley Chamber of Commerce City Trip 2007; and 4) Memorandum from Lee Price, City Clerk, dated April 6, 2007 regarding Mayor and Council Travel Fund.

Action: The Committee approved the travel requests.

H. Review of Council Committee Agendas

- 1. Community and Economic Development Committee**
- 2. Neighborhood Services and Education Committee**

None.

- 3. Transportation and Environment Committee**

- **Plug-In Electric Hybrid Vehicles**

Documents Filed: Memorandum from Mayor Reed dated April 3, 2007 requesting the Transportation and Environment Committee study and report a recommendation to City Council regarding joining the Plug-In Partners National Campaign.

Action: The Committee approved this item.

- 4. Public Safety, Finance and Strategic Support Committee**

None.

I. Open Government Initiatives

- 1. Reed Reforms**

None

- 2. Sunshine Reform Task Force**

- **Update 2/24/07 Meeting on Law Enforcement Records**

Documents Filed: Memorandum from Dan McFadden, Deputy City Manager, and Robert L. Davis, Chief of Police, dated March 29, 2007 recommending acceptance of staff report on the Sunshine Reform Task Force 2/24/2007 meeting on Law Enforcement Records.

Discussion: Deputy City Manager Dan McFadden gave a summary of the February 24, 2007 meeting. Discussion was held on the records management system of the San Jose Police Department and the records requests of the American Civil Liberties Union.

Action: The Committee accepted the report.

- 3. Significant Public Records Act Requests**

- **Response to Public Records Act – Potential Soccer Stadium**

Documents Filed: 1) Memorandum from Lee Price, City Clerk, dated March 28, 2007 forwarding the City Attorney's response to the Mercury News regarding potential soccer stadium; 2) Memorandum from Rick Doyle, City Attorney, dated April 4, 2007 regarding disclosure of preliminary draft of memorandum of understanding related to potential new soccer stadium; and 3) Memorandum from Mayor Reed dated April 10, 2007 regarding public review of potential soccer stadium plan.

Discussion: Mayor Reed led discussion on the Public Records Act Request submitted by Barry Witt of the Mercury News and recommended that the Community and Economic Development Committee work plan be amended and have staff come back with a full report on the plan for a potential soccer stadium. Mayor Reed also requested staff to report to the Parks and Recreation Commission on the elements that might affect parks or Measure P funding. Councilmember Liccardo agreed with the Mayor's recommendation with an amendment requesting staff to report back with additional responses to questions he proposed. The Mayor further noted that the Council needs a policy that would provide guidelines for disclosing documents when the City is negotiating with the private sector.

Public Comment: Ross Signorino spoke in favor of allowing the public review of potential soccer stadium plan.

Action: The Committee accepted Mayor Reed's memorandum with the additions suggested by Councilmember Liccardo.

J. Open Forum

None.

K. Adjournment

The meeting was adjourned at 2:56 p.m.

Chuck Reed, Mayor
Rules and Open Government Committee