CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

COUNCIL AGENDA: 12-12-06
ITEM: 3.2(a)

RULES/AGENCY RULES COMMITTEE

Meeting Report
November 29, 2006

PRESENT: Chair Chavez, Members Campos, Williams, Chirco

ABSENT:

STAFF: City Attorney Rick Doyle, City Clerk Lee Price, Deputy City Manager Deanna Santana, Agenda Services Manager Nadine Nader, Redevelopment Agency Liaison Gary Miskimon, and Council Agenda Manager for the Mayor's Office Lydia Tolles

A. Redevelopment Agency

1. Review of the December 12, 2006, Draft Agenda

Action: The Committee approved the December 12, 2006 Redevelopment Agency Draft Agenda.

2. Add New Items to December 5, 2006 Agenda

Action: The Committee approved the following change to the December 5, 2006 Redevelopment Agency Agenda:

a. Redevelopment Board Requests

- There were none.

b. Executive Director Requests

- Change item 2.6 to read "CEQA: Exempt, File No. PP06-185."

c. RDA Counsel Requests

- There were none.

3. List of Reports Outstanding

There were none.

B. **City Council**

1. **Review of the December 12, 2006 Draft Agenda**
Action: The Committee approved the following additions to the December 12, 2006 City Council Draft Agenda:

a. **Mayor and Councilmember Requests**
- Presentation of a commendation to the Independence High School Marching Band. (Campos)
- Presentation of a commendation to Sergeant Tony Vizzusi. (Cortese)
- Presentation of a commendation to Megan Williams. (Cortese)

b. **Council Appointee Requests**
- Certification of the Results of the November 7, 2006 Municipal Election. (City Clerk)
- Applicant interviews and appointments to the Appeals Hearing Board (City Clerk)

2. **Add New Items to the December 5, 2006 Agenda**
Action: The Committee approved the following additions to the December 5, 2006 City Council Agenda:

a. **Mayor and Councilmember Request**
- Mexican Heritage Plaza Operations and Maintenance Agreement. (Mayor/Campos/LeZotte)
Deferred from November 15, 2006
Documents Filed: (1) Memorandum from Mayor Gonzales and Councilmember Campos dated November 8, 2006 recommending the Administration to re-open and renegotiate the Operations and Maintenance Agreement between the Mexican Heritage Plaza and the City of San José. (2) Memorandum from Councilmember LeZotte dated November 15, 2006 recommending the City Auditor prepare an audit of the Mexican Heritage Plaza prior to Council approval of any change to the operations and maintenance agreement. (3) Memorandum from Gerald Silva City Auditor dated November 28, 2006 regarding referral of audit of Mexican Heritage Plaza.

Action: The Committee asked the City Auditor to return to the Rules Committee in February/March for direction on the next steps.

- Documents Filed: (1) Memorandum from Councilmember's Cortese, Reed, Chirco, Pyle dated November 29, 2006 recommending the Rules Committee defer items 6.5, 6.6 (a), (b), and 10.2 (a), (b), (c), and (d) to the January 23, 2007 evening City Council meeting or a date specified by staff. (2) Dave Tang submitted to Rules Committee on November 29, 2006 regarding item B2 EEHVS Deferral Request.

  Deputy Director Laurel Prevetti and Joe Horwedal Director of Planning, Building and Code Enforcement recommended deferral of all the related Evergreen East Hills Strategy items until June 2007.

  Public Comments: Speaking in favor of moving forward and against deferral: Joe Head; Development Consultant (name not given); Superintendent Nunez of East Side Union High School District. Speaking in support of deferrral: Resident of Evergreen (name not given); Dave Tang resident of Evergreen East Hills; Bonnie Mason; Carrie Hamilton; Jim Zito.

  The Committee took no action to defer the item and requested staff return to the Rules Committee meeting on December 6, 2006 with a framework of the discussion to be presented to the full council on December 12, 2006 for further direction.

b. **Council Appointee Requests**
- There were none.

3. **List of Reports Outstanding**
Documents Filed: Report from the City Manager's Offfice dated November 28, 2006, listing (3) three reports outstanding for the December 5, 2006 City Council meeting.

Action: The Committee noted and filed the City Manager's Report.

C. **Legislative Update**

1. **State**
   a. **State Upate**
   No Report.

2. **Federal**
   b. **Federal**
   No Report.

D. Meeting Schedules

1. Council Meeting Schedule January – July 2007. (City Manager)

Documents Filed: Memorandum from Nadine Nader Assistant to the City Manager dated November 17, 2006 recommending approval of the City Council Meeting Schedule for the period January – July 2007.

Action: The Committee approved the recommended Council Meeting Schedule.

E. The Public Record

Documents Filed: Memorandum from the City Clerk dated November 21, 2006 transmitting the Public Record for the week of November 9-20, 2006.

Action: The Committee noted and filed the Public Record.

F. Appointments to Boards, Commissions and Committees

1. Federal City Employees Retirement System (FCERS) Retirement Board Public Member. (FCERS Board of Administration)

2. Reappointment of Dave Busse to the Federal Retirement Board. (Civil Service Commission)

3. Parks and Recreation Commission Appointment. (Yeager)

4. Small Business Development Commission Appointments . (Reed)

5. Historic Landmarks Commission Appointments. (LeZotte)

6. Human Rights Commission Appointments. (LeZotte)

7. Senior Citizens Commission Appointments. (LeZotte)

Documents Filed: (1) Memorandum from Board of Administration Federated City Employees' Retirement System dated November 15, 2006 recommending Jeffrey Perkins for reappointment as the public member on the Federated City Employees' Retirement Board for a term to expire November 30, 2010. (2) Memorandum from the Civil Service Commission dated November 15, 2006 recommending Dave Busse for reappointment to the Federated Retirement Board. (3) Memorandum from Councilmember Yeager dated November 7, 2006 recommending Leslee Hamilton to be appointed to the Parks and Recreation Commission to a term ending June 30, 2008. (4) Memorandum from Councilmember Reed dated November 17, 2006 recommending Norman C. Nguyen and James E. Smith to be appointed to the Small Business Development

Commission to a term each ending December 31, 2009. (5) Memorandum from Councilmember LeZotte dated November 17, 2006 recommending (3) three appointments to the Historic Landmarks Commission: Dana Allison Peak to an unexpired term ending June 30, 2007, Judy Stabile to an unexpired term ending June 30, 2008, and Eric Thacker to a term ending June 30, 2009. (6) Memorandum from Councilmember LeZotte dated November 20, 2006 recommending David Parker and Raji Bains to be appointed to the Human Rights Commission to a term each ending December 31, 2009. (7) Memorandum from Councilmember LeZotte dated November 20, 2006 recommending (3) appointments to the Senior Citizens Commission: Bansi Tikku and Nelia Montojo to an unexpired term each ending June 30, 2008 and Michael Davis to a term ending June 30, 2009.

Action: The Committee approved the recommended appointments.

G. Rules Committee Reviews, Recommendations and Approvals

1. Volunteer Disabled Parking Enforcement Program. (Department of Transportation)

Documents Filed: Memorandum from James Helmer Director of Transportation (DOT)dated November 17, 2006 recommending the acceptance of the staff report summarizing a Volunteer Disabled Parking Enforcement Program recommending that the City does not initiate such a program at this time.

Action: The Committee accepted the report.

H. Review of Significant Public Records Act Requests

I. Review of Council Policy Updates per Sunshine Reforms (PIR #12)

J. Open Forum

K. Adjournment

The meeting was adjourned at 3:45 p.m.

Cincy Chavez, Chair
Rules/Agency Rules Committee