CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

COUNCIL AGENDA: 11/4/08
ITEM:

RULES AND OPEN GOVERNMENT COMMITTEE

Meeting Report
October 15, 2008

PRESENT: Mayor Reed, Vice Mayor Cortese, Councilmembers Chirco and Constant.

ABSENT: None.

STAFF: City Attorney Rick Doyle, City Clerk Lee Price, City Manager Debra Figone, Redevelopment Agency Assistant Director Gary Miskimon, Deputy City Manager Noberto Duenas, Mayor Council Agenda Manager Alicia Bosco and Legislative Secretary Ruth Krantz.

A. City Council

1. Review October 21, 2008 Final Agenda

Action: The Committee approved the October 21, 2008 Final Agenda with the following changes/additions:

- Presentation of a commendation to Joey Chestnut for defeating his competition on July 4, 2008 at the "Nathan's Hot Dog Eating Contest". (Williams)
- Request for an excused absence for Councilmember Pyle. (Pyle)
- Request for excused absences for Councilmember Constant. (Constant)
- Add Item 2.10 (Name a new park located near the intersection of River Oaks Parkway and Zanker Road in North San José as "River Oaks Park") (City Clerk)
- Add Item 2.11 (Name a new park located along the Guadalupe River in North San José as "Riverview Park") (City Clerk)
- Item 9.1 (Approve actions related to the Smart Start Childcare and the San José Conservation Corps & Charter School) dropped.
- Item 1.1 (Presentation of a commendation honoring Don Johnson) dropped.

2. Review October 28, 2008 Draft Agenda

- Add 2.8 (Award of contract for the Willows Senior Center Fire Damage Repair Project) (PRNS/Public Works/City Manager's Office)

B. Redevelopment Agency

1. Review October 21, 2008 Final Agenda

None - Meeting Canceled.

2. Review September 2, 2008 Draft Agenda

Action: The Committee approved the August 26, 2008 Final Agenda with following change/addition:

- Add Item 8.1 ("Approval of an agreement with the San Jose Conservation Corps & Charter School for the creation of a Smart Start Center at 1560 Berger Drive")

C. Legislative Update

1. **State**
   None.

2. **Federal**
   None.

D. Meeting Schedules
None.

E. The Public Record
Document Filed: Memorandum from Lee Price, City Clerk, dated October 10, 2008 transmitting the Public Record for the week of October 3-9, 2008.

Action: The Committee noted and filed the Public Record.

F. Appointments to Boards, Commissions and Committees
Documents Filed: Memorandum from Mayor Reed, dated October 9, 2008, approving the appointment of Jorge Zavala as a business/private industry representative on the Work2future Board of Directors.

Action: The appointment of Jorge Zavala to theWork2future Board of Directors was approved.

G. Rules Committee Reviews, Recommendations and Approvals

1. **Approve amending bylaws of the Caltrain Centralized Equipment Maintenance Operations Facility. (Williams)**
   Documents Filed: Memorandum from Councilmember Williams dated September 19, 2008 recommending approval of the bylaws of the Caltrain Centralized Equipment Maintenance Operations Facility.

   Jim Lawson, Valley Transportation Authority, spoke to the merits of the proposal.

   Action: The Committee approved the recommendation and requested that the item be considered by the full Council at the October 28, 2008 Council Meeting.

2. **Approve amendment to Ordinance 26710 (Section 17.72.570), entitled: "Storing or maintaining household items." (Cortese).**

   Action: The item was deferred one week at the request of Vice Mayor Cortese.

3. **Accept report on the Police Activities League (PAL) and City partnership agreement. (PRNS/Police Department)**
Documents Filed: Memorandum from Director of Parks, Recreation and Neighborhood Services Albert Balagso and Chief of Police Robert L. Davis, dated October 8, 2008, submitting the PAL and City partnership agreement report.

Action: The Committee accepted the report.

4. **Approve recommendation to direct staff analysis of the current practices associated with defining pipeline project. (Mayor)**
Documents Filed: Memorandum from Mayor Reed and Councilmember Constant dated October 9, 2008 recommending that staff return to the Committee in 30 days with an analysis of the current practices associated with defining pipeline projects, as well as a menu of options for developing standard definitions for pipeline projects.

Director of Planning, Building and Code Enforcement Joe Horwedel responded to brief questions and agreed to return in one month with more information. Mayor Reed indicated that he would like to see the information in a matrix format. Councilmember Chirco requested that staff outline the different types of legislation that impacts development.

Action: The Committee approved the recommendation.

5. **Accept Status Report on Citywide Inclusionary Policy Outreach. (Housing)**
Documents Filed: Memorandum from Director of Housing Leslye Krutko, dated October 8, 2008, submitting the status report.

Director of Housing Leslye Krutko presented a progress report on the Housing Department's outreach efforts in formulating a proposed citywide inclusionary housing policy.

Public Comment: Reverend Sal Alvarez urged broader outreach to the Spanish-speaking and interfaith communities. Jennifer Rodriguez (Homebuilder's Association) asserted that the development community is being censored and that it appears that a decision about the ordinance has already been made. She urged the Committee to direct staff to give developers a chance to share their concerns by putting less structure on the agendas for community meetings.

Discussion regarding outreach followed. Mayor Reed suggested the community meetings be bi-lingual and well promoted. Councilmember Constant suggested locations that will ensure participation especially in Districts 1, 5 and 10. He also expressed concern that there is not sufficient time in the schedule outlined in the staff report to get adequate input. He argued that staff is not following the Council's direction and urged consideration of other studies and alternatives.

Action: The Committee accepted the status report, asked staff to incorporate suggestions by Mayor Reed regarding outreach, and encouraged the public to participate in the development of the policy.

6. **Exploring Transportation Innovations to Support High-Density, Transit-Oriented Development. (Mayor/Liccardo/Chirco)**
Documents Filed: Memorandum from Mayor Reed and Councilmembers Liccardo and Chirco dated October 9, 2008 recommending a work plan assessment.

Director of Planning, Building and Code Enforcement Joe Horwedel and Director of Transportation James R. Helmer jointly summarized the staff's response and agreed to return in 90 days with a work plan. Committee questions followed regarding "Eco Pass" use by City employees, transit use by large employers and development, and the concept of "congestion pricing".

Public Comment: David Wall called the proposal an incongruent approach and suggested that without on-site parking, people will be forced to park on the street which will lead to blight. He urged the Committee to address long term parking needs for high density housing projects.

Action: The Committee approved the work plan, as amended: 1) survey City employees about use of the "Eco Pass" to predict use by private employers if offered the incentive; 2) consider if a minimal token "buy-in" (as opposed to free) would affect use; 3) look at developments that are using the "Eco Pass"; and 4) examine issues around "congestion pricing". Staff was also directed to return with a status update by the end of year.

H. Review of additions to Council Committee Agendas

1. **Community and Economic Development (CED) Committee**
2. **Neighborhood Services and Education Committee**
3. **Transportation and Environment Committee**
4. **Public Safety, Finance and Strategic Support Committee**

There were none.

I. Open Government Initiatives

1. **Reed Reforms**
2. **Sunshine Reform Task Force (SRTF)**
   Review of SRTF Phase II Report and Recommendations
   - **a. SRTF Phase II Report and Recommendations**
   - **b. Staff's Response to Phase II Report and Recommendations of the SRTF.**
   - **c. SRTF Chair's Response to the Staff Report responding to Phase II Report and Recommendations of the SRTF.**

   (Continued from October 14, 2008)

Documents Filed: 1) Memorandum from City Clerk Lee Price, dated August 14, 2008 referencing documents relating to the Sunshine Reform Task Force (SRTF) Phase II Report and Recommendations previously discussed at the August 13, 2008 Rules and Open Government Committee Meeting..

Discussion: The Committee continued discussion about technology and records retention recommendations. Public Records Manager Tom Norris summarized nationwide research he conducted on recording legislative votes. Communications Director Tom Manheim reported that the SRTF recommendation regarding the recording of votes is to use the electronic voting system for all Council actions.

Deputy Director of Information Technology Steve Turner responded to questions from Mayor Reed regarding the City's website search engine. He explained that the search engine will be upgraded in approximately one month. The Committee agreed to take no action on the technology recommendations until the new search engine is in place.

Public Records Manager Tom Norris responded to questions about the process for making changes to records retention schedules. Councilmember Constant suggested staff post the records retention schedules on the website and consider a thirty-day notice before making any changes.

The City Attorney responded to inquiry from Mayor Reed about the City's email retention policy. Mayor Reed recommended to the City Manager that she consider posting all administrative policies on the City's website.

3. **Significant Public Records Act Requests**
4. **Council Policy Manual Update**
   There were none.

J. Open Forum
None.

K. Adjournment
The meeting adjourned at 4:00 p.m.

Chuck Reed

Mayor Chuck Reed
Rules and Open Government Committee