



**REGULAR MEETING OF THE SAN JOSÉ
RULES AND OPEN GOVERNMENT COMMITTEE**

SAN JOSE, CALIFORNIA

WEDNESDAY, MARCH 11, 2009

The Rules and Open Government Committee of the City of San Jose convened in regular session at 2:07 p.m. in Conference Room 118 and 119, Council Wing, City Hall.

PRESENT: Mayor Reed, Vice Mayor Chirco, Council Member Constant and Pyle

ABSENT: None

STAFF: City Attorney Richard Doyle, City Clerk Lee Price, City Manager Debra Figone, Redevelopment Agency Assistant Director Gary Miskimon, City Manager Agenda Services Manager Nadine Nader, Mayor's Council Agenda Manager Nikhil Warrior and Deputy City Clerk Nora Pimentel.

CITY COUNCIL AGENDA REVIEW

3.1 Review of March 17, 2009 Final City Council Agenda.

Action: The Committee approved the March 17, 2009 final Council Agenda, as revised.

3.2 Review of March 24, 2009 Draft Agenda.

Action: The Committee approved the March 24, 2009 draft Council Agenda, as revised.

REDEVELOPMENT AGENCY (RDA) AGENDA REVIEW

4.1 Review of March 17, 2009 Final Agenda

None.

Action: The Committee canceled the March 17, 2009 RDA Meeting.

Review of March 24, 2009 Draft Agenda.

Action: The Committee approved the March 24, 2009 RDA draft RDA Agenda.

LEGISLATIVE UPDATE

6.1(a) State

Lobbyist Roxanne Miller provided a brief oral update on the State Budget and Special Election May 19, 2009.

6.1(b) 1) Support SB 26 (Simitian) Home-generated Pharmaceutical waste and 2) provide a one-week turnaround for Mayor and City Council review.
(Environmental Services)

Documents Filed: Memorandum from Director of Environmental Services John Stufflebean dated March 4, 2009 forwarding the recommendation.

Assistant to the Director, Environmental Services, Mary Ellen Dick responded to brief questions.

Action: The Committee approved a support position for SB 26 (Simitian) and forwarded the matter to the full City Council on March 17, 2009.

6.2 Federal

Mayor Reed provided a brief oral update on his trip to Washington, D.C. regarding President Obama's Federal Stimulus Package. An informational memorandum will follow, he added.

THE PUBLIC RECORD

8 Public Record

Documents Filed: Memorandum from City Clerk Lee Price, dated March 6, 2009, transmitting items for the Public Record for the period of February 27-March 5, 2009.

Action: The Committee noted and filed the Public Record.

APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEE

9.1 1) Appoint Trudy Ellerbeck for a second term to the PDSC; 2) re-appoint Rick Partridge and consider recommendations from Council District 7 for appointments to the PDSC.

Action: The Committee approved the re-appointments of Trudy Ellerbeck and Rick Partridge, directed the City Clerk to re-open the nomination period for Council Offices, and deferred additional appointments to the PDSC to March 25, 2009.

RULES COMMITTEE REVIEWS, RECOMMENDATIONS AND APPROVALS

- 10.1a (1) Add an agenda item to the March 24, 2009 City Council meeting to discuss the City's strategy for pursuing negotiations with the A's and Major League Baseball. (2) Direct the City Manager and the Chief Development Officer to lead the discussions with the A's organization and Major League Baseball. (3) Direct staff to return to the Community and Economic Development Committee every two months with updates on status of the discussion, providing ample opportunity for residents to receive regular reports on the project and express concerns as it develops. (Campos/Pyle/Herrera)
DEFERRED FROM MARCH 4, 2009

Documents Filed: (1) Memorandum from Councilmembers Campos, Pyle and Herrera dated February 26, 2009 forwarding the recommendations. (2) Correspondence from Norman E. Matteoni of Matteoni O'Laughlin & Hechman Lawyers dated March 6, 2009; Email from Terri Balandra Co-Chair of Fiesta Lanes Action Group dated March 11, 2009; Email from Chet Lockwood, Fiesta Lanes Action Group dated March 11, 2009; Email from Eloy Wouters dated March 11, 2009; Email from Marc Morris dated March 11, 2009, Email from Cathy Jones dated March 11, 2009. (3) Correspondence from Kathryn Mathewson to Michael Rhoades, Planning Department dated December 3, 2005 regarding EIR Response to San Jose Ball Park near Diridon Train Station. (4) MSNBC.com article "Diridon Station to be focus of Harvard Design Group" dated March 11, 2009.

The Committee agreed to discuss this Item and Item 10.1b concurrently.

Public Comments: Michael Mulcahy (A's to San Jose Study Group) spoke in favor of testing the community's "appetite" and in support of the joint memorandum. Ross Signorino, Paul Higgins and Yolanda Reynolds commented in favor of major league baseball in San Jose but objected to new taxes City subsidies. David Wall and Kathryn Mathewson expressed concern about the proposed location for a stadium. Deborah Arant urged transparency throughout the process and requested highly publicized public meetings before pursuing any further.

Action: The Committee agreed to move both Items 10.1a and 10.1b to the April 7, 2009 Council Agenda.

- 10.1b That the Rules and Open Government Committee place this matter on the agenda for the April 7, 2009 evening Council meeting to allow for maximum public participation in the discussion. (Mayor Reed)

Documents Filed: Memorandum from Mayor Reed dated March 5, 2009 forwarding the recommendation.

Action: See Item 10.1a above.

- 10.2 Consider agendaizing for City Council consideration the draft resolution confirming and indicating current Council support for existing General Plan and zoning designations on the former San Jose Medical Center Site. (City Attorney)
DEFERRED FROM FEBRUARY 11, 18 AND MARCH 4, 2009

Documents Filed: (1) Memorandum from City Attorney Rick Doyle dated February 5, 2009 forwarding the recommendation. (2) Letter dated March 6, 2009 to Mayor/Members of the ROGC from Norman E. Matteoni (Matteoni, O'Laughlin & Hectman) proposing changes to the draft resolution.

Public Comment: The following people spoke in support of resolution: Rosylin Dean and Bob Leininger (Coalition for Downtown Hospital); Lisa Morowitz (California Nurses Association) and Ross Signorino. Gary Schoennauer suggested that the City Attorney's Office incorporate comments submitted by Mr. Matteoni.

Action: The Committee moved this item to the April 7, 2009 Council Agenda.

- 10.3 That the City not initiate an ordinance, as proposed to amend Title 20 of the San Jose Municipal Code (the Zoning Code) to provide for a modified hearing process before the City Planning Commission for certain rezoning and zoning code amendment proposals under specified circumstances. (Planning Commission)

Action: The Committee deferred this item for one week.

- Add an agenda item to the March 24, 2009 City Council meeting to discuss and adopt the Cesar E. Chavez Memorial Walkway. (Mayor Reed/Campos/Liccardo)

Documents Filed: Memorandum from Mayor Reed, Councilmember's Campos and Liccardo dated March 5, 2009 forwarding the recommendation.

Action: The Committee moved this item to the March 24, 2009 Council Agenda.

- 10.5 Approve the Auditor's Office Monthly Report of Activities for February 2009. (City Auditor)

Documents Filed: Memorandum from City Auditor Sharon W. Erickson dated March 5, 2009 forwarding the recommendation.

Action: The Committee accepted the Auditor's report.

REVIEW OF ADDITIONS TO COUNCIL COMMITTEE AGENDAS

- 11.1 Add the following items to the CED Committee Workplan: (1) March 23, 2009 City Hall Retail; (2) April 27, 2009 Small Business Development Commission Annual Report; (3) April 27, 2009 Local/Small Business Participation; and (4) April 27, 2009 Economic Strategy Update Workplan.

Documents Filed: Memorandum from Chief Development Officer Paul Krutko dated February 27, 2009 forwarding the recommendation.

Action: The Committee approved the additional items to the CED Workplan.

OPEN FORUM

David Wall suggested that the City solicit and accept donations to other non-profits in addition to the Healthy Neighborhoods Venture Fund via the garbage/recycling bill. He also discussed the Citywide Sewer System Rebuild Project, suggested that parcel taxes be reformulated and proposed a Citywide Docent Program.

ADJOURNMENT

The meeting was adjourned at 2:34 p.m.



Mayor Chuck Reed
Rules and Open Government Committee