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**RULES AND OPEN GOVERNMENT COMMITTEE**

Meeting Report  
October 28, 2009

**PRESENT:** Mayor Reed, Councilmembers Constant and Pyle

**ABSENT:** Vice Mayor Chirco

**STAFF:** City Attorney Rick Doyle, City Clerk Lee Price, Chief Deputy City Manager Ed Shikada, Redevelopment Agency Assistant Director Gary Miskimon, Agenda Services Manager Nadine Nader, Mayor Council Agenda Manager Nikhil Warrior and Deputy City Clerk Nora Pimentel.

**A. City Council**

**1. Review November 3, 2009 Final Agenda**

Action: The Committee approved the November 3, 2009 final Agenda.

**2. Review November 10, 2009 Draft Agenda**

Action: The Committee approved the November 10, 2009 draft agenda, as amended.

**B. Redevelopment Agency (RDA)**

**1. Review November 3, 2009 Final Agenda**

Action: The Committee cancelled the November 3, 2009 RDA meeting.

**2. Review November 10, 2009 Draft Agenda**

Action: The Committee approved the November 10, 2009 RDA agenda, as amended.

**C. Review of Upcoming Study Session Agenda (s)**

**1. Review November 5, 2009 Special City Council Meeting Agenda.**

Documents Filed: Special City Council Meeting agenda for November 5, 2009.

The Committee reviewed the Special City Council Meeting agenda.

**2. Review November 9, 2009 Redevelopment Agency/City Council Joint Budget Study Session Agenda.**

Documents Filed: November 9, 2009 Redevelopment Agency/City Council Joint Budget Study Session Agenda.

The Committee reviewed the Joint Budget Study Session agenda.

**D. Legislative Update**

**1. State**

- a. Oppose Senate Bill No. 88 (DeSaulnier) regarding Local Government Bankruptcy and request a one-week turnaround for Mayor and City Council Review.

Documents Filed: Memorandum from Director of Finance Scott Johnson dated October 22, 2009 forwarding the recommendation.

The Committee referred the bill to the full City Council on November 3, 2009 for action.

**2. Federal**

None.

**E. Meeting Schedules**

**1. Approval to Cancel Regular Meetings in November and December and Schedule Rules-in-Lieu Meetings.**

Documents Filed: Memorandum from City Clerk Lee Price dated October 23, 2009 forwarding the recommendation.

The Committee conceptually approved the Rules-in-Lieu meeting schedule for November and December.

**2. Request to set Study Session on Sign Code Update on November 13, 2009 in the City Council Chambers from 9:00 a.m. – 12:00 p.m.**

Item dropped.

**F. The Public Record**

Document Filed: Memorandum from City Clerk Lee Price dated October 23, 2009 transmitting the Public Record for the week of October 16-22, 2009.

Action: The Committee noted and filed the public record.

**G. Appointments to Boards, Commissions and Committees**

There were none.

**H. Rules Committee Reviews, Recommendations and Approvals**

1. **Accept the Administration's request to defer the discussion of consideration of an amendment to sections 4.04.020A.3 (b) (c) and (e) of the San Jose Municipal Code regarding contract authority to the October 28, 2009 Rules and Open Government Committee meeting.**

CONTINUED FROM OCTOBER 14, 2009

The item was deferred to November 18, 2009.

2. **Discuss methods to amend parkland agreements with developers that are in default or have upcoming payments of in-lieu fees even though their projects will not start construction for a long time; and direct staff to do workload assessment for developing recommendations for City Council consideration.**

Documents Filed: Memorandum from Mayor Reed dated October 21, 2009 forwarding the recommendation.

Public Comment: David Wall proposed that fees be paid for up-front before permits are issued.

The Committee referred the item to the December 8, 2009 City Council Meeting.

**I. Review of additions to Council Committee Agendas**

1. **Community and Economic Development (CED) Committee**
  - **Request to add the Citywide Monument Policy to the CED Committee Agenda for December 14, 2009.**

Documents Filed: Memorandum from Chief Development Officer Paul Krutko dated October 15, 2009 forwarding the recommendation.

Action: The Committee approved the addition to the CED Committee agenda.

2. **Neighborhood Services and Education Committee**
3. **Transportation and Environment (TE) Committee**
4. **Public Safety, Finance and Strategic Support Committee**

There were none.

**J. Open Government Initiatives**

1. **Reed Reforms**
2. **Sunshine Reform Task Force (SRTF)**

There were none.

**4. Significant Public Records Act Requests**

Mayor Reed announced that, now that the investigation is complete, the Committee will consider the request to release police records relating to the officer involved shooting of Daniel Pham on May 10, 2009 at the November 4<sup>th</sup> Committee meeting. He noted that the Committee would not take up the release of police records regarding a recent situation involving San Jose Police Officers and San Jose University student Phuong Ho until after the investigation has been completed.

**5. Council Policy Manual Update**

There were none.

**K. Open Forum**

Teherese Kollerer urged the Committee to accept the Human Rights Commission recommendation that the City support and join as amicus in support of the plaintiffs versus official proponents of Proposition 8. Mark Trout requested a Council proclamation regarding the events of September 11<sup>th</sup>, 2001. Cathy Brandhorst shared personal views.

**K. Adjournment**

The meeting adjourned at 2:37 p.m.



Mayor Chuck Reed  
Rules and Open Government Committee