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**RULES AND OPEN GOVERNMENT COMMITTEE**

Meeting Report  
October 20, 2010

**PRESENT:** Mayor Reed, Vice Mayor Chirco and Council Member Nguyen.

**ABSENT:** Council Members Constant and Pyle.

**STAFF:** City Manager Debra Figone, City Attorney Rick Doyle, City Clerk Lee Price, Redevelopment Agency Assistant Director Gary Miskimon, Agenda Services Manager Nadine Nader, Mayor's Council Agenda Manager Sara Wright, and Legislative Secretary Ruth Krantz.

**A. City Council**

**1. Review Final Agenda for October 26 2010**

Action: The Committee approved the final agenda, as amended.

Public Comments: Lisa Harmer, Tom Davis and Geoff Harmer (representing the Cambrian Village Neighborhood Association) spoke in opposition to the annexation/reorganization of Cambrian No. 36.

**2. November 2, 2010**

Action: The Committee approved the final agenda, as amended and waived the 14-day noticing requirement for Item 3.2 (Discussion and Action on a Proposed Moratorium regarding Marijuana Activities that could be allowed under Proposition 19) and Item 9.2 (Amendments in the General Fund for 2010-2011 Rebalancing Actions Related to the Redevelopment Agency Reimbursed Programs).

**B. Redevelopment Agency (RDA)**

**1. Review October 26, 2010 Final Agenda**

Action: The Committee approved the final agenda, as amended and waived the 14-day noticing requirement for Item 8.3 (Authorization to execute an Amended Reimbursement Agreement with JP Morgan Chase Bank, NA.)

**2. Review November 2, 2010 Draft Agenda**

Action: The Committee approved the final agenda, as amended.

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

None..

**D. Legislative Update**

1. **State**

2. **Federal**

None.

**E. Meeting Schedules**

None..

**F. The Public Record**

Document Filed: Memorandum from City Clerk Lee Price dated October 15, 2010 transmitting the Public Record for the week of October 8 – October 14, 2010.

Mayor Reed pulled item “a” to reference the Study Session scheduled to review the San Jose/Santa Clara Water Pollution Control Plant Master Plan and noted this item relates to Item H.3 on this agenda.

Public Comment: David Wall pulled his letter, Item (i), to provide additional remarks.

Action: The Public Record was noted and filed.

**G. Boards, Commissions and Committees**

1. **Appointments**

2. **Workplans**

(a) **Approval of the Housing and Community Development Advisory Commission (HCDC) FY 2010-11 Workplan. (Housing)**

(b) **Approval of the Disability Advisory Commission FY 2010-11 Workplan. (Public Works)**

Documents Filed: (1) Memorandum from Director of Housing Leslye Krutko, dated October 7, 2010 providing the Housing and Community Development Advisory Commission (HCDC) FY 2010-2011 Workplan. (2) Memorandum from Director of Public Works Katy Allen dated October 14, 2010 providing the Disability Advisory Commission FY 2010-2011 Workplan.

Public Comments: David Wall suggested that the City enact a moratorium on new housing and asserted that the Housing Department’s involvement on the Housing Commission poses a conflict of interest.

Action: The Workplans were accepted.

3. **Annual Reports**

None.

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

- 1. Workload Assessments for Council Requests and Referrals**
- 2. Agendize for October 26 City Council Meeting, Discussion and Action to Amend the Municipal Code to Temporarily Suspend Bonus Payments from the Retirement Plan's Supplemental Retiree Benefit Reserve (SRBR). (Mayor).**

Documents Filed: Memorandum from Mayor Reed dated October 13, 2010 regarding suspension of Supplemental Retiree Benefit Reserve (SRBR) payments.

Mayor Reed provided background on his recommendation to suspend the SRBR program.

Public Comment: Jay Wendling, representing the Retired Police and Firefighters Association, questioned the definition of a "temporary" suspension and discussed the impact to retirees who have been retired the longest.

Action: The Committee forwarded this item to the City Council for discussion on October 26, 2010.

- 3. Approve the Designation of Councilmember Pete Constant as the Voting Delegate and Councilmember Kansen Chu as the Alternate Voting Delegate at the 2010 National League of Cities Business Meeting on December 4, 2010. (City Manager)**

Documents Filed: Memorandum from Director, Intergovernmental Relations Betsy Shotwell dated October 12, 2010 recommending the proposed designations to the National League of Cities Annual Business Meeting.

Action: The Committee approved the designation of Councilmember Pete Constant as the Voting Delegate and Councilmember Kansen Chu as the Alternate Voting Delegate at the 2010 National League of Cities Business Meeting and forwarded the recommendation to the City Council for formal action on October 26, 2010.

- 4. Accept the Status report on Proposed Amendments to Chapter 9.58 of the San José Municipal Code, commonly known as the Graffiti Abatement Ordinance.**

Documents Filed: (1) Memorandum from Director of Parks, Recreation and Neighborhood Services Albert Balagso dated October 6, 2010, recommending acceptance of the status report.

Public Comments: Tina Morrill offered suggestions regarding the City's handling of tagging and graffiti abatement.

Action: The Committee accepted the status report, and directed Staff to provide a report to the Neighborhood Services & Education Committee and Mayor's Gang Prevention Task Force.

**5. Agendize for November 9 City Council Meeting, Adoption of the City of Milpitas Guiding Principles for the San José/Santa Clara Water Pollution Control Plant Master Plan Reconstruction and Land Use Alternatives. (City Clerk)**

Documents Filed: Letter from Thomas Williams, City Manager of Milpitas, dated October 14, 2010, requesting agendization of the City of Milpitas Guiding Principles for the San José/Santa Clara Water Pollution Control Plant Master Plan.

City Manager of Milpitas, Thomas Williams, asked that the City of Milpitas be given the opportunity to review and discuss their guiding principles on the subject of the Plant Master Plan at the Treatment Plant Advisory Committee (TPAC) prior to presenting the preferred alternative to the San José City Council.

Public Comments: (1) Joey McCarthy (McCarthy Ranch) asked that sufficient time be allowed for input by the private property owner and public on the Master Plan reconstruction and land use alternatives. (2) David Wall voiced objections to allowing any contract amendment that would permit residential development on the property and predicted that the City of San Jose would bear the cost of relocating the sludge-drying operations.

Director of Environmental Services John Stufflebean outlined the proposed schedule for the Master Plan review and clarified that the preferred alternative would not be selected before April 2011.

Action: The Committee approved the request to place on the December TPAC meeting agenda review of the City of Milpitas' Guiding Principles and, further directed that it be agendized for the December 14, 2010 City Council agenda.

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

- 1 Community and Economic Development Committee
- 2 Transportation and Environment Committee
- 3 Neighborhood Services and Education Committee
4. Public Safety, Finance and Strategic Support Committee
  - (a) Request to add a Monthly Report to the Public Safety, Finance and Strategic Support Committee (PSFSS) regarding Police Department Operations and Performance.

Documents Filed: Memorandum from Deputy City Manager Deanna J. Santana dated October 12, 2010, requesting an addition to the Rules and Open Government Committee Workplan.

Action: The Committee approved the addition of a Monthly Report to the Public Safety, Finance and Strategic Support Committee (PSFSS) regarding Police Department Operations and Performance.

5. Rules and Open Government Committee  
None.

**H. Open Government**

1. Appeals of Public Records Act Requests  
None.

**K. Open Forum**

Public Comment: David Wall expressed support of the San José Fire Department, requested a response from the City Attorney regarding the release of the CPLE Draft Report and recommended that the Downtown Business Association be funded by the Office of Economic Development.

**L. Adjournment**

The meeting was adjourned at 3:17 p.m.



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Mayor Chuck Reed  
Rules and Open Government Committee