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**RULES AND OPEN GOVERNMENT COMMITTEE**

Meeting Report  
May 11, 2011

PRESENT: Mayor Reed, Vice-Mayor Nguyen and Councilmembers Herrera and Oliverio

ABSENT: Councilmember Constant

STAFF: Assistant City Manager Ed Shikada, City Attorney Richard Doyle, City Clerk Dennis Hawkins, Redevelopment Agency Assistant Director Gary Miskimon, CMO Agenda Services Manager Nadine Nader, Mayor's Council Agenda Manager Sara Wright and Deputy City Clerk Tamara Davis

**A. City Council**

**1. Review Final Agenda for May 17, 2011**

Action: The Committee approved the final agenda, as amended and with a 10-day Sunshine Waiver for Item 3.x (Continued Suspension of Supplemental Retiree Benefit Reserve Payments). Ceremonial Items 1.1 was dropped from the agenda and 1.7 was deferred to June 14.

**2. Review of Draft Agenda for May 24, 2011**

Action: The Committee approved the draft agenda as amended with a 14-day Sunshine Waiver on Item 7.3 (Actions related to the San Jose Environmental Innovation Center Project)

**B. Redevelopment Agency (RDA)**

**1. Review Final Agenda for May 17, 2011**

Action: The Committee cancelled the meeting except for closed or joint session items.

**2. Review Draft Agenda for May 24, 2011**

Action: None – the Committee will review and discuss any agenda items at its next meeting.

**C. Review of Upcoming Study Session Agenda(s) - None.**

**D. Legislative Update**

**1. State**

Director of Intergovernmental Relations Betsy Shotwell reported that proposition 25 requires the State to pass a balanced budget by July 1, or the legislature will not be paid. The Governor will issue his May Budget Revise on May 16.

Ms. Shotwell indicated that SB 184 (Leno) clarifies the conflict between local inclusionary housing ordinances and the State's Costa-Hawkins Rental Housing Act, which provides clarification for the Palmer decision. She requested the Council adopt a position of support for the bill as it will help the City with outstanding legal issues over current housing ordinances. The City Attorney reminded the Committee that the City is currently involved in litigation on the inclusionary housing ordinance and the hearing is set for June. Mr. Doyle indicated staff's recommendation of a support position because the bill moves the issue in the right direction.

Housing Director Leslye Corsiglia also provided updates on SB 450, which is a bill to revise the low and moderate income housing fund, and SB 286, an 80% reform bill, which has not yet made it through committee. She advised the Committee that staff will report back at the next Rules Committee meeting with guiding principles on redevelopment legislation.

Document Filed: Memorandum from City Manager Debra Figone to the Rules and Open Government dated May 11, 2011 recommending support of SB 184 (Leno) – Land use: Zoning Regulations.

Public Comment: David Wall expressed his opposition to inclusionary housing and questioned the role of city employees actively lobbying for Redevelopment Agency and Housing Department programs as part of their job and expressed his concerns regarding what he believes looks like a conflict of interest.

Action: The Committee recommended support for SB 184 (Leno) – Land use: Zoning Regulations and forwarded to Council for formal action on May 17, 2011.

**2. Federal - None**

**E. Meeting Schedules**

- 1. Approve Council Meeting Additions: 1) Agendize action and discussion regarding the City Manager's Fiscal Reform Plan for May 24; and 2) Schedule an additional Council Meeting on May 31, 2011 at 1:30 p.m. in the Council Chambers. (Mayor)**

Documents Filed: Memorandum from Mayor Reed to the Rules and Open Government Committee dated May 3, 2011 requesting that the Rules Committee agendize action and discussion regarding the City Manager's Fiscal Reform Plan for the May 24 Council meeting and to schedule the addition of a Council meeting on May 31, 2011.

Action: The Committee approved the request.

**2. Approve the Council Meeting Schedule and Study Session Schedule for August-December 2011. (City Manager)**

Documents Filed: Memorandum from Nadine Nader to the Rules and Open Government Committee dated May 5, 2011 requesting approval for the Council Meeting Schedule and Study Session Schedule for August-December 2011.

Public Comments: David Wall does not agree with cancelling Council meetings because of holidays.

Action: The Committee approved the Council Meeting and Study Session Schedules.

**F. The Public Record**

Document Filed: Memorandum from City Clerk Dennis Hawkins dated May 6, 2011 transmitting the Public Record for the week of April 29 – May 5, 2011.

Public Comment: David Wall commented on Item a, letter from LAFCO regarding twenty-three unincorporated county pocket islands within the City, and suggested the City build a revenue mechanism into the process of annexing properties.

Mayor Reed asked staff to comment on the list and the City's agreement with the County to annex such pockets. City Attorney Rick Doyle proposed that staff return to the Committee with a written response. Mayor Reed suggested this be considered in October, around the time of the City-County meeting.

Action: The Public Record was noted and filed.

**G. Boards, Commissions and Committees**

1. Appointments
  2. Workplans
  3. Annual Reports
- None.

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

1. Workload Assessment for Council Requests and Referrals
- None.
2. **Direct Staff to Prepare a Workplan Assessment for a Proposal towards a Citywide Electrical Plug-in Vehicle Policy on New Construction; and to collaborate with PG & E. (Councilmember Chu) (Deferred from 5/4/11 Rules)**

Documents Filed: Memorandum from Councilmember Chu to the Rules and Open Government Committee dated April 28, 2011 regarding Plug-in electrical vehicle Code Requirements.

Councilmember Chu brought this memo forward to advance the Mayor's Green Vision goal of emission reduction and energy efficiency while supporting smart growth in the community. He would like to put together a policy for development of residential high-density, high-rise buildings, as a first step towards a comprehensive policy. He would like staff to put together a workplan and proposal toward a citywide plug-in policy on new construction.

The Mayor mentioned that he and his staff have been participating in the Bay Area Climate Collaborative, and there is a regional effort under way to address this topic. He does not want the staff work ahead of the regional effort so that all of the partners are on the same page.

Director of Planning, Building, and Code Enforcement, Joe Horwedel mentioned that his staff has already done work on plug-in electrics for single family residential. He mentioned that part of the challenge is looking at different types of construction and that staff has done research on how Seattle is addressing this. He mentioned that it will be important to have regional coordination on the topic and that this could be accomplished through green building standards. Hans Larsen, Director of Transportation suggested that City staff could continue its work with the Collaborative. Director Horwedel compared this to the process staff went through in developing solar criteria.

Public comments: David Wall commented on the subject in the context of high-density housing projects; mass transit, bicycle lanes, and the lack of parking in new structures; concerns about adequate power supplies and other environmental sustainability concerns.

Action: The Committee referred the memo to staff to put together a summary of what it would take to create this policy and requested that they make sure there is input from PBCE engineering staff and report back in six months.

- 3. Approve District 8 Senior Health Fair and Walk as a City Council Sponsored Special Event to expend City funds; and accept donations of materials and services for the Event; and forward to City Council for formal action on May 17, 2011. (City Clerk)**

Documents Filed: Memorandum from City Clerk Dennis Hawkins to the Rules and Open Government Committee dated April 28, 2011 regarding the District 8 Senior Health Fair and Walk.

Action: The Committee approved the memorandum and forwarded to the City Council for formal action of May 17, 2011.

- I. Review of additions to Council Committee Agendas/Workplans**

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1. Community and Economic Development Committee
2. Neighborhood Services and Education Committee
3. Transportation and Environment Committee
4. Public Safety, Finance and Strategic Support Committee
  - a. **Approve the addition of a monthly Interoperability Report the Public Safety, Finance and Strategic Support Committee Agenda starting on May 19, 2011.**

Documents Filed: Memorandum from Deputy City Manager, Deanna Santana to the Rules and Open Government Committee dated April 26, 2011 regarding the Public Safety Interoperability Monthly Report.

Action: The Committee approved the addition of the Interoperability Monthly Report beginning on May 19, 2011.

5. Rules and Open Government Committee  
None.

**J. Open Government**

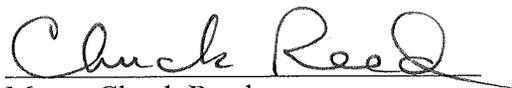
1. Appeals of Public Records Act Requests  
None.

**K. Open Forum**

Public Comments: David Wall suggested inquiries into staff in the Environmental Services Department, holding TPAC meetings at City Hall under the auspices of the City Clerk for recording purposes; and expressed that the Plant master Plan is one of the most egregious waste of taxpayers' money.

**L. Adjournment**

The meeting was adjourned at 2:53 p.m.



Mayor Chuck Reed  
Rules and Open Government Committee