

RULES AND OPEN GOVERNMENT COMMITTEE

Meeting Report
April 4, 2007

PRESENT: Mayor Reed, Vice Mayor Cortese, and Councilmembers Chirco and Liccardo

ABSENT: Councilmember Constant

STAFF: City Attorney Rick Doyle, City Clerk Lee Price, Redevelopment Agency Assistant Director Gary Miskimon, Redevelopment Agency Executive Director Harry Mavrogenes, Agenda Manager Nadine Nader, Council Agenda Manager Alicia Bosco.

A. City Council

1. Review April 10, 2007 Final Agenda

The Committee approved the following additions to the April 10, 2007 Council Agenda:

a. Mayor/Council Member Requests

- Presentation on new City Hall Falcon Cam and update on City Hall peregrine falcons. (Mayor/City Manager's Office)
- Item 1.3 (Presentation of a commendation recognizing ABL Properties) deferred to to April 17, 2007.
- Item 2.11 (Approval of an agreement related to the Peace Officer Standards and Training Program) deferred to April 17, 2007.
- Item 5.2 (Approval to amend the Animal Regulations of the San José Municipal Code)

2. Review April 17, 2007 Draft Agenda

The Committee approved the following additions to the April 17, 2007 Council Agenda:

a. Mayor/Council Member Requests

- Presentation of a commendation to Dr. Nguyen Xuan Vinh. (Nguyen)
- Presentation of a commendation to Barry Del Buono and EHC Lifebuilders. (Bguyen/Human Rights Commission)
- Request for an excused absence for Vice Mayor Cortese. (Cortese)

The Committee considered the following request:

- b. Council Appointee Requests
 - Acceptance of the Independent Police Auditor/Human Rights Commission Report and Recommendations from Community Forums Regarding the Police in San José. (Independent Police Auditor/Human Rights Commission)

After brief discussion, the Committee deferred placing this item on an agenda until after the Committee has an opportunity to discuss the joint report and hear from the IPA and the Police Chief. The matter was deferred for one week.

B. Redevelopment Agency

1. Review April 10, 2007 Final Agenda

The Committee approved the April 10, 2007 Redevelopment Agency Agenda.

2. Review of April 17, 2007 Draft Agenda

None, meeting to be canceled.

C. Legislative Update

1. State

None.

2. Federal

None.

D. Meeting Schedules

1. Adopt Revised 2007-2008 City Budget Calendar and Budget Study Session Schedule.

Documents Filed: Memorandum from Larry D. Lisenbee dated March 27, 2007 recommending that the Rules and Open Government Committee and City Council adopt the revised 2007-2008 City Budget Calendar.

Action: The Committee approved the revised City Budget Calendar.

E. The Public Record

Documents Filed: Memorandum from Lee Price, City Clerk, dated March 29, 2007 transmitting the Public Record for the week of March 23-28, 2007

Action: The Committee noted and filed the Public Record.

F. Appointments to Boards, Commissions and Committees

None.

G. Rules Committee Reviews, Recommendations and Approvals

1. Review of the Mexican Heritage Corporation's Ability to Operate and Maintain Mexican Heritage Plaza.

Documents Filed: (1) Report to the City Council from the Office of the City Auditor entitled, "A Review of the Mexican Heritage Corporation's ability to operate and maintain the Mexican Heritage Plaza" (2) Memorandum from Councilmember Campos dated April 3, 2007 recommending that the Rules and Open Government Committee schedule a time certain discussion regarding the Mexican Heritage Plaza to allow for greater public participation and that staff return to the City Council with recommendations. (3) Letter from Supervisor Blanca Alvarado dated April 3, 2007 in support of Councilmember Campo's memo. (4) Memorandum from Mexican Heritage Corporation (MHC) to Gerald Silva, City Auditor, dated March 28, 2007 in response to the City Audit report.

Discussion: City Auditor Gerry Silva provided an overview of the audit and responded to questions from the Committee. Marcela Davison Aviles, Executive Director of the Mexican Heritage Corporation, provided an in-depth response to the audit, summarized point's outlined in her formal response and responded to questions from the Committee.

Public Comments: Al Castellano, representing the Castellano Family Foundation, spoke in support of recommended options to keep the Mexican Heritage Plaza open. Raul Lozano, representing Teatro Vision, expressed support for the Mexican Heritage Plaza and disagreed with some of the Auditor's report.

Action: The committee agreed to place this item on the April 17, 2007 Council agenda to consider any short-term and long-term options and, further, to have staff return to Rules and Open Government Committee on April 18, 2007 to discuss strategies, options and recommendations.

2. Approve Travel Requests.

Documents Filed: (1) Memorandum from Councilmember Constant dated March 21, 2007 requesting authorization to travel to Austin, Texas to attend the San Jose/Silicon Valley Chamber of Commerce City Trip 2007 on October 10-12, 2007. (2) Memorandum from Councilmember Liccardo dated March 21, 2007 requesting authorization to travel to Austin, Texas to attend the San Jose/Silicon Valley Chamber of Commerce City Trip 2007 on October 10-12, 2007.

Action: The Committee approved the travel requests for Councilmembers Constant and Liccardo.

H. Review of Council Committee Agendas

- **Community and Economic Development Committee**

Request to Add an Item to the Community and Economic Development (CED) Committee Workplan.

Documents Filed: Memorandum from Lesyle Krutko, Director of Housing, dated March 27, 2007 recommending that the Rules and Open Government Committee approve the addition of the Report on the Bay Area Local Initiatives Support Corporation (LISC) Working Group Study on Housing Needs to the CED Workplan for the April 9, 2007 meeting.

Action: The Committee approved the recommended addition to the CED Workplan.

- **Neighborhood Services and Education Committee**
- **Transportation and Environment Committee**
- **Public Safety, Finance and Strategic Support Committee**
None.

I. Open Government Initiatives

1. Reed Reforms

Acceptance of the proposed curriculum for a Council Assistant Certification Program per Reed Reform #25. (City Manager/City Attorney/City Clerk)

Action: The Committee deferred this item to April 18, 2007.

2. Sunshine Reform Task Force

None.

3. Significant Public Records Act Requests

Response to Public Records Act-Potential Soccer Stadium.

Documents Filed: (1) Memorandum from City Clerk Lee Price dated March 28, 2007 referring communication from the City Attorney's Office to the Mercury News regarding a potential soccer stadium. (2) Email from City Attorney Richard Doyle dated March 28, 2007 to Barry Witt, Mercury News regarding Public Records Act request regarding Potential Soccer Stadium transmitted via electronic transmission on March 22, 2007. (3) Supplemental Memorandum from City Attorney Richard Doyle dated April 4, 2007 regarding disclosure of preliminary draft of Memorandum of Understanding (MOU) related to potential new soccer stadium. (4) Letter from Sheppard, Mullin, Richter & Hampton LLP to Mayor Reed dated March 30, 2007 regarding proposal submitted by Lew Wolff.

Discussion: Chief Development Officer Paul Krutko provided arguments in support of staff's position to not release the preliminary draft of the MOU. Redevelopment Agency Executive Director Harry Mavrogenes concurred.

Mayor Reed argued in favor of releasing the information. Discussion ensued.

Action: The Committee continued this item to the Rules and Open Government Committee meeting of April 11, 2007.

4. Council Policy Manual Update
None.

J. Open Forum
None.

K. Adjournment

The meeting was adjourned at 4:54 p.m.

Chuck Reed, Mayor
Rules and Open Government Committee