

RULES AND OPEN GOVERNMENT COMMITTEE

Meeting Report
May 7, 2008

PRESENT: Mayor Reed, Councilmember's Constant and Chirco

ABSENT: Vice Mayor Cortese and Councilmember Constant (Excused due to required attendance at MTC and LAFCO meetings, respectively)

STAFF: City Attorney Rick Doyle, City Clerk Lee Price, City Manager Debra Figone, Redevelopment Agency Assistant Director Gary Miskimon, Senior Executive Manager Vilcia Rodriguez, Mayor Council Agenda Manager Alicia Bosco and Deputy City Clerk Nora Pimentel.

A. City Council

1. Review May 13, 2008 Final Agenda

Action: The Committee approved the May 13, 2008 Final Agenda with the following changes/additions:

- Presentation of a proclamation declaring May as "National Historic Preservation Month" in the City of San José. (Chirco)
- Presentation of a commendation to Friends of Guadalupe River Park and Gardens, Rose Garden and Heritage Orchard Volunteers, Parks Staff, Mauby All Natural, and Environmental Services. (Chirco/Liccardo)
- Presentation of a commendation to YMCA's Project Cornerstone Teen Volunteers of the Year, located in Country Lane Elementary School. (Constant)
- Presentation of a proclamation declaring May 10-18, 2008 as "National Tourism Week" in the City of San José. (Constant)
- Presentation of a proclamation declaring May 13, 2008 as "LIVESTRONG Day" in the City of San José. (Liccardo)
- Item 4.3 (Approval of a Memorandum of Understanding Regarding Airport West Property) deferred to June 20, 2008.
- Delete no earlier than 3:30 p.m. as referenced for Open Forum and RDA Board Meeting.

2. Review May 20, 2008 Draft Agenda

Action: The Committee approved the May 20, 2008 Draft Agenda with the following changes/additions:

- Vice Mayor Cortese's Travel to Chicago, Illinois. (Cortese)
- Actions related to the Donna Lane/Bradford Neighborhood Action Agenda. (SNI)

- Items 7.2 (Policy for the Prohibition of City Funding for Single-serving Bottled Water) and 7.3 (Actions Related to Green Cities California) were referred to the June TE Committee meeting.

B. Redevelopment Agency

1. Review May 13, 2008 Final Agenda

Action: The Committee approved the May 13, 2008 Final Agenda with no additional changes.

2. Review May 20, 2008 Draft Agenda

Action: The Committee approved the May 20, 2008 Final Agenda with no additional changes.

C. Legislative Update

1. State

a. AB 3034 (Galgiani) Safe, Reliable High-Speed Passenger Bond Act for the 21 Century.

Documents Filed: Memorandum from Director of Transportation dated April 24, 2008 recommending support State Assembly Bill 3034 (Galgiani)

Action: The committee referred the support position to the full council for approval on May 13, 2008.

b. Support for SB 1625 (Corbett) to add all plastic containers to the State Bottle and Can Recycling Law.

Documents Filed: Memorandum from Director of Environmental Services John Stufflebean dated April 29, 2008 recommending support position of SB 1625 (Corbett).

Action: The Committee referred the support position to the full council for approval on May 13, 2008.

2. Federal

None.

D. Meeting Schedules

1. Approval of Schedule for Review of Sunshine Reform Task Force Phase II Recommendations including two Special Rules and Open Government Meetings on Friday August 29, 2008 and Tuesday, October 14, 2008.

Documents Filed: Memorandum from Communications Director Tom Manheim dated April 29, 2008 recommending approval to schedule review of the Sunshine Reform Task Force II Recommendations, which includes two Special Rules and Open Government Meetings on August 29, 2008 and October 14, 2008.

Action: The Committee recommended approval.

E. The Public Record

Document Filed: Memorandum from Lee Price, City Clerk dated May 2, 2008 transmitting the Public Record for the week of April 25- May 1, 2008.

Action: The Committee noted and filed the Public Record.

F. Appointments to Boards, Commissions and Committees

There were none.

G. Rules Committee Reviews, Recommendations and Approvals

1. Recommend modification to Municipal Code 11.38.210 – No Vehicle Solicitation Zone to Prohibit Sale of Cars in Public Areas that Create Safety Hazards or Public Nuisances.

Documents Filed: Memorandum from Councilmember's Liccardo and Campos dated May 1, 2008 recommend City Attorney and City Manager to present for Council consideration an amended Section 11.38.210 of the San José Municipal Code or augment the provision, to prohibit the selling of the vehicles parked on public right of ways in posted areas. The prohibition must enable the City to enforce the ban with both citations and vehicle towing.

Action: The Committee requested a workload assessment and asked staff to return on June 11, 2008.

2. Direct City Attorney to provide legal analysis of the City of San José's 911 fee in light of the recently published Appeals Court Decision in Bay Area Cellular Telephone Company v. City of Union City.

Documents Filed: Memorandum from Councilmember Constant dated May 1, 2008 recommending the City Attorney to provide City Council with a legal analysis of the City of San Jose 911 fee in light of the recently published Appeals Court decision in Bay Area Cellular Telephone Company v. City of Union City.

Action: The Committee referred this to the City Attorney and Closed Session.

3. Accept staff report on the Parks and Recreation Commission Charter Change Ballot Process.

Documents Filed: Memorandum from Director of Parks, Recreation and Neighborhood Services Albert Balagso dated May 1, 2008 recommending acceptance of staffs report on Parks and Recreation Commission recommendations regarding potential Charter Amendment changes that would extend the time period for leases on developed parkland.

Action: The Committee accepted the report and agreed to consider it at the May 21st meeting when other potential Charter amendments will be considered.

- H. Review of additions to Council Committee Agendas**
- 1. Community and Economic Development (CED) Committee**
 - 2. Neighborhood Services and Education Committee**
 - 3. Transportation and Environment Committee**
 - 4. Public Safety, Finance and Strategic Support Committee**
- There were none.
- I. Open Government Initiatives**
- 1. Reed Reforms**
 - 2. Sunshine Reform Task Force (SRTF)**
 - 3. Significant Public Records Act Requests**
 - 4. Council Policy Manual Update**
- There were none.
- J. Open Forum**
- None.
- K. Adjournment**
- The meeting adjourned at 2:30 p.m.

Mayor Chuck Reed
Rules and Open Government Committee