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**RULES AND OPEN GOVERNMENT COMMITTEE**

Meeting Report

May 9, 2007

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

ABSENT: None

STAFF: City Attorney Rick Doyle, City Clerk Lee Price, City Manager Les White, Redevelopment Agency Assistant Director Gary Miskimon, Agenda Manager Nadine Nader, and Mayor Council Agenda Manager Alicia Bosco.

**A. City Council**

**1. Review May 15, 2007 Final Agenda**

Action: The Committee approved the following additions to the May 15, 2007 Council Agenda:

- Public Hearing on the Proposed Operating and Capital Budgets for the Fiscal Year July 1, 2007 to June 30, 2008. (City Manager)
- Item 11.3 (Rezoning the real property located on a portion of block bounded by The Alameda, Emory Street, Naglee Avenue, and Morse Street) deferred to May 22, 2007.
- Item 11.4 (Rezoning the real property located on the east side of Almaden Expressway) deferred to June 5, 2007.

**2. Review of May 22, 2007 Draft Agenda**

Action: The Committee approved the following additions to the May 22, 2007 Council Agenda:

- Presentation of a proclamation declaring May 25, 2007 as National Missing Children's Day in San José. (Mayor/Fire)
- Presentation of a commendation recognizing Robert Corpus. (Mayor)
- Request for an excused absence for Councilmember Pyle. (Pyle)
- Request for an excused absences for Councilmember Williams. (William)

- Presentation of a commendation to Barry Swenson. (Redevelopment Agency)
- Acceptance of the Office of the City Auditor's Report. (City Auditor)
- Planning Commission Interviews, not to be heard before 4:00 p.m. (City Clerk)
- Acceptance of the Report of the Council Salary Setting Commission. (City Clerk)

**B. Redevelopment Agency**

**1. Review May 15, 2007 Final Agenda**

Action: The Committee approved the May 15, 2007 Redevelopment Agency Agenda.

**2. Review May 22, 2007 Draft Agenda**

Action: The Committee approved the May 22, 2007 Redevelopment Agency Agenda.

**3. Assign "Time Certain" for convening Redevelopment Agency Agenda**

There were none.

**C. Legislative Update**

**1. State**

**(a) AB 239 (DeSaulnier) – Counties' Right to Levy Increased Recording Fees to Fund Affordable Housing Development.**

Documents Filed: Memorandum from Leslye Krutko Director of Housing dated May 2, 2007 urging the Rules and Open Government Committee to recommend to the Mayor and City Council support AB 239 (DeSaulnier).

Discussion: Leslye Krutko Director of Housing gave a brief overview of Bill AB 239. Mayor Reed said he would like to know what position the Realtors Association has taken on this bill. Councilmember Constant voiced opposition to the bill.

Action: The Committee agreed to defer a decision on AB 239 for one week and return to the Rules and Open Government Committee on May 16, 2007.

**(b) AB 763 (Saldana) – Consistent and More Rigorous Notification Standards for Landlords Wishing to Convert Rental Units into Condominiums.**

Documents Filed: Memorandum from Leslye Krutko Director of Housing dated May 2, 2007 urging the Rules and Open Government Committee to recommend to the Mayor and City Council support AB 763 (Saldana).

**(c) AB 927 (Saldana) Required Senior Rental Housing in the Multifamily Housing Program.**

Documents Filed: Memorandum from Leslye Krutko Director of Housing dated May 2, 2007 urging the Rules and Open Government Committee to recommend to the Mayor and City Council support AB 927 (Saldana).

Discussion: Vice Mayor Cortese requested that staff notify the Realtor's Association of AB 927.

Action: The Committee approved support positions for both AB 763 (Saldana) and AB 927 (Saldana) and directed staff to send the recommendations to the full Council on May 15, 2007.

**(d) Photo Radar for Speed Enforcement**

Documents Filed: Memorandum from Betsy Shotwell Director of Intergovernmental Relations dated May 3, 2007 recommend acceptance of staff report on the status seeking legislation to authorize the use of using photo radar on City street for traffic speed enforcement in residential areas and school zones and present to Council for possible consideration when formulating the City's Legislative Priorities for 2008.

Action: The Committee accepted the report.

**2. Federal**

None.

**D. Meeting Schedules**

**1. Adopt revised 2007-2008 Budget Study Session Schedule.**

Documents Filed: Memorandum from Larry D. Lisenbee Budget Director dated May 3, 2007 recommending that the Rules and Open Government Committee and the City Council adopt the revised 2007-2008 City Council Budget Study Sessions scheduled for Thursday, May 17, 2007.

Action: The Committee approved the 2007-2008 Budget Study Session Schedule.

**E. The Public Record**

Document Filed: Memorandum from Lee Price, City Clerk, dated May 4, 2007 transmitting the Public Record for the week of April 27 – May 3, 2007

Action: The Committee approved to note and file the public record.

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

**1. Planning Commission Interviews.**

See under A.2 action taken.

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

**1. Council Expenditures and Reimbursements.**

CONTINUED FROM MAY 2, 2007

Documents Filed: (1) Memorandum from Richard Doyle City Attorney dated April 20, 2007 continue discussion of Council Expenditure and Reimbursement Policy. (2) Draft City Council Expenditure and Reimbursement Policy and (3) Powerpoint Presentation from the City Clerk and the City Attorney.

Action: Staff was directed to report back to the Committee with an overview of a schedule for discussion of the draft Council Expenditure and Reimbursement Policy. The Committee requested that the schedule enable the Committee to accomplish the following objectives: 1) discuss each policy element in detail; 2) discuss the overall policy during a one-hour time certain session; and 3) present a comprehensive draft policy for City Council consideration prior to June 30, 2007.

**2. Committee discussion on Correspondence from Save Bay Area Research Extension Center (BAREC) regarding the 17 acre BAREC property on Winchester across from Valley Fair.**

Discussion: There was extensive discussion around the 17 acre BAREC property on Winchester across from Valley Fair. Councilmember Constant raised several questions about the current state of the property.

Public Comments: (1) Dan Potash, Principal of Development Venture Professionals addressed Councilmember Constants questions. (2) Kathryn Mathewson and Yolanda Reynolds spoke in favor of the City acquiring the property.

Action: The Committee directed staff to prepare an informational memo on this property and the related issues.

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

**1. Community and Economic Development Committee**

- **Request to add report to the Development Community and Economic Committee Workplan.**

Documents Filed: Memorandum from Paul Krutko Chief Development Officer dated April 27, 2007 recommend approval to add to the May 21, 2007 Community and Economic Development Committee (CEDC) agenda a review of the Workplan for the proposed sales and use tax strategy, known as the "Business Cooperation Program".

Action: The Committee approved the recommended addition to the CEDC agenda on May 21, 2007.

**2. Neighborhood Services and Education Committee**

**3. Transportation and Environment Committee**

**4. Public Safety, Finance and Strategic Support Committee**

**I. Open Government Initiatives**

**1. Reed Reforms**

**2. Sunshine Reform Task Force**

**3. Significant Public Records Act Requests**

None.

**4. Council Policy Manual update**

**Approval to validate selected policies contained in the City Council Policy Manual.**

Documents Filed: Memorandum from Deanna J. Santana Deputy City Manager dated May 4, 2007 recommend validation of Policies 0-6 (Audits by City Auditor), 0-32 (Disclosure and Sharing of Material Facts) and 4-3 (Outdoor Lighting on Private Developments) as contained in the Council Policy Manual and forward to the full Council for adoption of a resolution.

Action: The Committee approved the validation of the selected policies contained in the City Council Policy Manual and forwarded the policies to the City Council as a cross-reference.

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**J. Open Forum**  
None.

**K. Adjournment**  
The meeting was adjourned at 3:42 p.m.

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Chuck Reed, Mayor  
Rules and Open Government Committee