

RULES AND OPEN GOVERNMENT COMMITTEE

Meeting Report
October 31, 2007

PRESENT: Mayor Reed, Vice Mayor Cortese and Councilmembers Constant, Chirco
Councilmember Nguyen arrived @ 2:50 p.m.

ABSENT: Vice Mayor Cortese excused himself @ 2:50p.m.

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

A. City Council

1. Review November 6, 2007 Final Agenda

Action: The Committee approved the following changes and additions to the
November 6, 2007 Final Agenda:

- Item 1.2 (Presentation of commendations to District 9 Stars) to be heard in the evening.
- Item 5.5 (Acceptance of the Strong Neighborhood Initiative Greater Gardner Neighborhood Improvement Plan Amendment) joint item with Redevelopment Agency.
- Item 6.2 (Approval of actions related to Taxicab Services) deferred to November 20, 2007.
- Presentation of a commendation to the KFOX Weather Fox Students of Ben Painter Elementary School. (Cortese)
- Approval of Councilmember Chu's Travel out of state. (Chu)
- Request for an excused absence for Councilmember Chu. (Chu)
- Request for excused absences for Councilmember Constant. (Constant)
- Request for excused absence for Vice Mayor Cortese. (Cortese)
- Approval of an agreement for Auditor search services. (Mayor)

2. Review of November 13, 2007 Draft Agenda

None-Meeting Cancelled

B. Redevelopment Agency

1. Review November 6, 2007 Final Agenda

Action: The Committee approved the following changes to the November 6, 2007 final agenda:

- Item 7.1 (Approval of an amendment to the OPA with First Street Associates Two pertaining to the space at 451 South First Street) RECOMMEND DEFERRAL TO NOVEMBER 20, 2007.
- Item 8.2 “Adoption of a resolution approving the award of a construction contract to Randazzo Enterprises, Inc., the lowest responsive bidder in the amount of \$186,857 and authorizing a 20% construction contingency in the amount of \$37,371, for a total construction budget not to exceed \$224,228, for the demolition of the Japantown Corporation Yard buildings.”

2. Review November 13, 2007 Draft Agenda

None-Meeting Canceled.

3. Assign “Time Certain” for convening Redevelopment Agency Agenda

C. Legislative Update

1. State

None.

2. Federal

- a. Support for Federal Housing Legislation: H.R. 1851 (Waters) – Section 8 voucher Reform Act of 2007 and H.R. 1852 (Frank) – expanding Homeownership Act of 2007.**

Documents Filed: Memorandum from Director of Housing Leslye Krutko dated October 25, 2007 recommending Mayor and City Council support H.R. 1851 (Waters and H.R. 1852 (Frank).

Leslye Krutko summarized bills H.R. 1851 (Waters) and 1852 (Frank) and responded to brief questions.

Action: The Committee approved the support of H.R. 1851 (Waters) and 1852 (Frank) with a one week turn around for Council review.

D. Meeting Schedules

1. Approval to cancel Rules and Open Government Committee meetings in November and December and set dates for “Rules in-Lieu” meetings.

Documents Filed: Memorandum from City Clerk Lee Price dated October 26, 2007 recommend to cancel the following regular scheduled Rules and Open Government Committee meetings: November 21, 2007; December 19, 2007; and

January 2, 2007 and set the following Rules In-Lieu meetings: Tuesday, November 20, 2007 at 9:45 a.m. in Room 120; Wednesday, December 19, 2007 at 1:00 p.m. in Rooms 118-119; and Wednesday, January 2, 2008 at 1:00 p.m. in Rooms 118-119.

Action: The Committee approved the recommended schedule.

2. Approval to set Special City Council Meeting on November 13, 2007.

Documents Filed: Memorandum from City Clerk Lee Price dated October 26, 2007 recommend to set a Special City Council meeting for Tuesday, November 13, 2007 at 2:00 p.m. in the City Council Chambers for the purpose of interviewing applicants for the Appeals Hearing Board and the Civil Service Commission.

Action: The Committee approved the recommended Special City Council Meeting for interviews.

E. The Public Record

Document Filed: Memorandum from Lee Price, City Clerk dated October 25, 2007 transmitting the Public Record for the week of October 12-25, 2007.

Action: The Committee approved to note and file the Public Record.

F. Appointments to Boards, Commissions and Committees

None.

G. Rules Committee Reviews, Recommendations and Approvals

1. City Attorney's response to referral dates August 20, 2007 from Rules and Open Government Committee relating to taping of Closed Sessions.

DEFERRED FROM OCTOBER 3, 2007

RECOMMEND DEFERRAL TO NOVEMBER 7, 2007

Action: The Committee deferred this item to November 7, 2007.

2. Discussion and action on Urgency Ordinance regarding Municipal Code 17.12.445 (Additional safety requirements for multi-story and other building presenting unique firefighting challenges).

RECOMMEND DEFERRAL TO NOVEMBER 7, 2007

Action: The Committee approved to defer this item to November 7, 2007.

3. Recommend waive rotunda rental fee for the Northern California Future City Competition.

Action: The Committee dropped this item.

H. Review of additions to Council Committee Agendas

1. Community and Economic Development Committee

2. Neighborhood Services and Education Committee

None.

- 3. Transportation and Environment Committee**
- 4. Request for Transportation and Environment Committee Workplan**
None.

I. Open Government Initiatives

- 1. Reed Reforms**
None.
- 2. Sunshine Reform Task Force**
 - **Review of remaining provisions of Sunshine Reform Task Force Phase 1 Report and Recommendations.**

CONTINUED FROM OCTOBER 24, 2007
NOT TO BE HEARD BEFORE 2:30 P.M.

Documents Filed: Memorandum from Director of Communications Tom Manheim dated October 18, 2007 requesting the Committee review and make recommendations to the City Council on the remaining provisions of the Sunshine Reform Task Force's (SRTF) Phase I Report and Recommendations.

The Committee discussed the Task Force recommendation to increase public speaker time limits to four (4) minutes for groups of 2(two) or more.

Public Comments: Bob Brownstein and Ed Rast representatives of the SRTF and Phaedra Ellis-Lankins (South Bay Labor Council) spoke in support of the recommendation.

The Committee discussed the Task Force recommendation relating to the posting of draft minutes.

Public Comments: Ken Pargarsek and Ed Rast representatives of the SRTF emphasized the need to have some formal record of actions for "policy bodies" other than the City Council and Redevelopment Agency.

The Committee discussed the Task Force recommendations relating to posting "supporting materials".

Public Comments: Phaedra Ellis Lankins (South Bay Labor Council) asked the Committee when it or the Council would discuss the Task Force recommendation regarding public subsidies.

Ken Pargarsek, representative of the SRTF suggested staff post draft documents and final documents in "red-lined" format.

The Committee discussed how the Task Force recommendations would impact Council Committees.

Public Comments: Bob Brownstein and Ed Rast representatives of the SRTF spoke in favor of applying the Task Force recommendations to Council Committees.

City Manager Debra Figone noted staff has expressed concerns regarding the practicality of applying the same standards to Council Committees. She cautioned that the result may be delay in getting matters to the Committee and on to Council.

Mayor Reed asked staff to return with a chart depicting the impact of moving deadlines up from 5-7 days to 10 days.

Action: 1) The Committee approved the following Council and RDA recommendations: a) The Chair should maintain the discretion to set the time limit for public testimony for items of significant public interest; b) The synopsis of the Council/RDA meeting must be posted/distributed no later than the next Council meeting; Action minutes will be completed as soon as the City Clerk/RDA can complete (no specific deadline recommended). 2) The Committee will discuss the status of the public subsidies at the November 7, 2007 meeting. 3) Staff will return with an analysis of the current practices related to categories of documents that are made available in the agenda packet. 4) Staff will return with a chart of the overlapping days for due dates for Council Committees and the City Council to understand the compounding issues.

3. Significant Public Records Act Requests

4. Council Policy Manual Update

None.

J. Open Forum

None.

K. Adjournment

The meeting was adjourned at 3:59 p.m.

Chuck Reed, Mayor
Rules and Open Government Committee