

RULES AND OPEN GOVERNMENT COMMITTEE

Meeting Report
November 7, 2007

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

ABSENT:

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

A. City Council

1. Review November 13, 2007 Final Agenda

None-Meeting Canceled

2. Review of November 20, 2007 Draft Agenda

Action: The Committee approved the following changes and additions to the November 20, 2007 Draft Agenda:

- Request for excused absences for Councilmember Campos. (Campos)
- Request for an excused absence for Vice Mayor Cortese. (Cortese)
- Request for an excused absence for Councilmember Nguyen. (Nguyen)
- Request for an excused absence for Councilmember Pyle. (Pyle)
- Downtown Zoning Overlay. (Liccardo)

B. Redevelopment Agency

1. Review November 13, 2007 Final Agenda

None-Meeting Canceled

2. Review November 20, 2007 Draft Agenda

Action: The Committee approved the November 20, 2007 Draft Agenda with no additional changes.

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

C. Legislative Update

1. State
 2. Federal
- None.

D. Meeting Schedules

1. **Approval of the City Council Meeting Schedule for the period January –July 2008; and (2) Study Session Schedule for the period January –July 2008.**

Documents Filed: Memorandum from Agenda Services Manager Nadine Nader dated November 1, 2007 recommend approval of the City Council Meeting Schedule and Study Session Schedule for the period of January – July 2008.

Action: The Committee approved the recommended schedule.

E. The Public Record

Document Filed: Memorandum from Lee Price, City Clerk dated November 1, 2007 transmitting the Public Record for the week of October 26-November 1, 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. **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).**

DEFERRED FROM OCTOBER 17 AND 31, 2007

Documents Filed: (1) Memorandum from City Attorney Richard Doyle dated October 31, 2007 proposed Ordinance related to Adoption of 2007 California Fire Code; (2) Memorandum from Fire Chief Darryl Von Raesfeld dated November 1, 2007 supplemental memorandum to November 6, 2007, Council Item 4.5, Approval of an Ordinance amending the San Jose Fire Code; (3) Memorandum from Fire Chief Jeffrey L. Clet dated January 7, 2005 regarding high rise and unique buildings ordinance; (4) Supplemental memorandum from Fire Chief Jeffrey L. Clet dated January 21, 2005 supplemental report on high rise and unique buildings ordinance.

Deputy Fire Chief David Schoonover and City Attorney Rick Doyle responded to questions regarding the intent of the Fire Code section reference and any potential for legal liability.

Action: The Committee directed the City Attorney to return in 60 days with additional legal analysis either in open or closed session, whichever he deems appropriate.

2. Recommend staff prepare a Workplan assessment for a proposal for a citywide green building policy.

Documents Filed: 1) Memorandum from Councilmembers Chu, Chirco, Campos, Liccardo dated October 31, 2007 recommend staff prepare a Workplan assessment for a proposal for a citywide green building policy. 2) Letter from the Sierra Club dated November 7, 2007 thanking them for their environmental leadership. 3) Ordinance of the City Council of the City of Santa Barbara repealing Chapter 22.82 of Title 22 of the San Barbara Municipal Code and enacting a new Chapter 22.82 establishing local energy efficiency standards for certain buildings and improvements covered by the 2005 California building energy efficiency standards. 4) Letter from the Silicon Valley Leadership Group dated November 7, 2007 support of Green Building initiative.

Discussion: Memos from Item G2 and G3 were taken up together for discussion. City Manager Debra Figone expressed senior staff's enthusiasm about the Green Vision and a willingness to conduct a retreat to discuss collaboration, coordination and departmental goals before work begins to craft an implementation plan. She suggested returning to the Rules and Open Government Committee in January with a workload assessment and scoping as part of the implementation plan.

Public Comments: Beverly Bryant (Home Builder Association of Northern California), Melissa Lambert (Sierra Club), Shyla Ballard (Silicon Valley Leadership Group, Ed Rast, Joshua Howard (California Apartment Association, Tri-County Division) and Jody Hansen (Silicon Valley Chamber of Commerce) spoke in support of the Green Vision and offered suggestions for implementation.

Action: The Committee referred this to staff for a workload assessment, as recommended by the City Manager.

3. Recommend staff develop a workload assessment for drafting an incentive-based private development green building policy.

Documents Filed: Memorandum from Councilmembers Constant and Oliverio dated October 31, 2007 recommend staff develop a workload assessment for drafting an incentive-based private development green building policy.

4. Acceptance of the Status Report on Public/Private Partnerships.

Documents Filed: Memorandum from Deputy City Manger Ed Shikada and Director of Parks, Recreation and Neighborhood Services Albert Balagso dated October 29, 2007 recommend that the Rules and Open Government Committee accept the staff report on the status of the public/private partnership case studies and the community input staff has received.

Deputy City Manger Ed Shikada provided an overview summary of the outreach effort.

Action: The Committee accepted the update.

H. Review of additions to Council Committee Agendas

- 1. Community and Economic Development Committee**
- 2. Neighborhood Services and Education Committee**
- 5. Transportation and Environment Committee**
- 6. Request for Transportation and Environment Committee Workplan**
None.

I. Open Government Initiatives

- 1. Reed Reforms**
- 2. Sunshine Reform Task Force**
 - a. Review of remaining provisions of Sunshine Reform Task Force Phase 1 Report and Recommendations.**

CONTINUED FROM OCTOBER 31, 2007

NOT TO BE HEARD BEFORE 2:30 P.M.

Documents Filed: 1) Supplemental matrix from Nadine Nader dated November 2, 2007 outlining the current schedule for City Council and Council Committee meeting agenda packet distribution. 2) 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.

Tom Manheim reviewed the items that the Committee approved on October 31, 2007. Discussion continued about the current schedule for distributing agenda packets for Council Committees. Mayor Reed proposed that the current schedule (5 days for Rules and 7 days for the other Council Committees) is satisfactory. Committee members voiced agreement.

Public Comment:

Ed Rast, Chair of the Sunshine Reform Task Force (SRTF), recognized budget and staff constraints and agreed that the status quo is a good compromise.

Discussion followed about supporting materials. Senior Deputy City Attorney Lisa Herrick reviewed the definition of "supporting materials" and summarized current practice. She noted that the SRTF recommendation is to post on-line documents of 15 pages or less.

Public Comment:

Ed Rast, Chair of the SRTF, provide supporting comments for the Task Force recommendation.

Action: The Committee reaffirmed the current practice for posting and distributing agenda packets, and concurrently encouraged Staff to make as much information as possible available on-line. Staff will return with an analysis of the

type of documents that can be made available on-line 10 days in advance of a meeting.

- b. City Attorney's response to referral dated August 29, 2007 from Rules and Open Government Committee relating to taping of Closed Sessions. DEFERRED FROM OCTOBER 3 AND 31, 2007 TO BE HEARD CONCURRENTLY WITH I2a**
Action: The Committee approved to defer this item to November 14, 2007.

3. Significant Public Records Act Requests

William Garbett requested that the City accept a City-issued refund check made out to him as partial payment for public records. The matter was referred to the City Clerk.

4. Council Policy Manual Update

- **Approval to validate and rescind selected policies contained in the City Council Policy Manual.**
Documents Filed: Memorandum from Deanna Santana dated November 1, 2007 approval to validate policies: a) Policy 2-6: Inventory, Storage and Display Gifts; and b) Policy 3-2: Employee Safety. 2) Rescind policies: a) Policy 0-23: Policy Analysis Program; b) Policy 6-28: School Facility Authority

Action: The Committee approved to validate policies 2-6, 3-2 and rescind policies 0-23 and 6-28.

J. Open Forum
None.

K. Adjournment
The meeting was adjourned at p.m.

Chuck Reed, Mayor
Rules and Open Government Committee